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SERMON

ON THE

NEBRASKA BILL,

BY

REV. CHARLES BEECHER,

PASTOR,

FIRST CONGREGATIONAL SOCIETY, NEWARK, N. J.

PUBLISHED BY THE SOCIETY

N E W - Y O R K :

OLIVER & BROTHER, PRINTERS, 89 NASSAU-STREET

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LORD, who shall abide in thy tabernacle? who shall dwell in thy holy hill?

He that walketh uprightly, and worketh righteousness, and speaketh the truth in his heart.

He that backbiteth not with his tongue, nor doeth evil to his neighbour, nor taketh up a reproach against his neighbour.

In whose eyes a vile person is contemned; but he honoureth them that fear the Lord. He that sweareth to his own hurt, and changeth not.

He that putteth not out his money to usury, nor taketh reward against the innocent. He that doeth these things shall never be moved.

PSALM XV.

A GREAT crisis has arrived in the affairs of this nation, and of man.

A deed is being done, by the national head and hand, equal in importance to the Declaration of Independence.

It is well for us, then, as a Christian people, to know what we, by our Government, are doing.

It is well for us to bring that deed, of such unparalleled importance, into the light, that we may see its character and estimate its consequences.

And into what light shall we bring it ?- Into the light of the philosophy and wisdom of this world?

It is written, "The world by wisdom knew not God." And, "This is the condemnation, that light is come into the world, but men loved darkness rather than light." Not, then, to the light-to the twilight-of worldly wisdom should we bring this subject, but to the light of Heaven, where it shines in the sanctuary, from the Word of God.

Oh that the cloud might fill the temple, as of old, when the priests could not stand to minister by reason of its glory !

I propose, then, to consider.—

- THE DEED. T
- II. ITS CHARACTER.
- III. ITS CONSEQUENCES,
- IV. OUR DUTY.
- I. The Deed to be done is,-

To establish slavery in a territory ten times as large as the State of New-York, lying in the heart of the United States, and occupying the garden portion of the continent.

The territory of Nebraska Kansas is as large as all the free states, or as half the great valley of the Mississippi. It lies in a temperate climate. Its soil is fertile. And it is capable of sustaining a dense population. It is the very heart of the continent. It is destined to hold the central sceptre of power in the destinies of this country.

Now, the deed to be done is, to make this a slaveholding territory.

If it be said that the bill before Congress does not say so,—that it only erects a territorial government,—the answer is plain.

The bill explicitly repeals the prohibition of slavery, that has stood by solemn compact thirty years. And an amendment, stating that the people of the territory might, if they chose, prohibit slavery, was promptly voted down. And lest the liberty-loving Germans and other emigrants should go in there and vote against slavery, a clause was inserted in the bill, forbidding aliens to vote!

Now, any man can tell, when an edifice is building, whether it is meant for a house or a jail.

If you find cells, and grates, and shackles in the wall, and all the minutiæ of coercive restraint, you say, This is a prison.

So, when we look at that territorial government now building, and find a thirty years' prohibition of slavery repealed,—foreigners forbidden to vote,—the power of the inhabitants to prohibit slavery voted out,—we are warranted in saying, This is not a house, it is a jail. Therefore, the deed to be done, as to its essence and marrow, stripped of sophistries and disguises, is, to establish the system of slavery in that whole immense territory.

II. CHARACTER.

 Suppose, now, slavery were an indifferent affair—neither right nor wrong; only that by the three-fifths representation principle it conferred certain political advantages on the South. Suppose that thus it were for the political interest of the South to get more slave territory, and of the North to get more free territory.

Thirty years ago, then, the South and North entered into a solemn compact, proposed by the South, and carried by Southern votes, the North being reluctant, that while above a certain line, 36° 30′, slavery should be "for ever prohibited," south of it is should be left to the states to decide, when they were ready to come in.

The North has stood to that compact, and the South have admitted state after state south of that line, with slavery constitutions.

Now, the vast territory North of the line is just ready to be settled and come in,—the compact is suddenly repudiated, and the South insists on carrying slave laws all over that immense domain.

The question is, Is this honest? Is it honorable? Is it the best illustration of that chivalry which has been the Southerner's boast?

It is said, indeed, that it was an act of Congress only, and, like any other act of Congress, subject to reconsideration and repeal.

But does that alter the morality of the transaction? The universal Southern sentiment at the time was thus expressed by *Nile's Register*, a leading paper, published in Baltimore:—

"It is true the compromise is supported only by the letter of the law, repealable by the authority which enacted it; but the circumstances of the case give to this law a MORAL FORCE equal to that of a positive provision of the Constitution; and we do not hazard anything by saying that the Constitution exists in its observance. Both parties have sacrificed much to conciliation. We wish to see the COMPACT kept in good faith, and we trust that a kind Providence will open the way to relieve us of an evil which every good citizen deprecates as the supreme curse of the country."

This, then, is the first feature of the character of the deed to be done—wholly apart from the nature of slavery.

Unlike the man commended by the psalmist, "who sweareth to his own hurt, and changeth not," the South swears to her own profit, and then changes. How can she "dwell in the tabernacle of the Lord, and abide in his holy hill?"?

2. But there is a still greater breach of faith involved in this deed—one involving, not the honor of the South or of the North alone, but the plighted faith of the nation. The faith of treaties, the national faith, is to be broken. The whole Eastern side of this territory is held by Indians, removed there by the Government. They were removed, some of them, in violation of right in the first place. Even politicians protested, and prophesied "that it would be impossible to give them a permanent home," if we once moved them. Yet, forgetful of a God above us, we did it. And to salve the bleeding conscience of the nation, the following enactment was adopted:—

"SEC. 3. And be it further enacted, That in making of such exchange or exchanges, it shall and may be lawful for the President solemuly to assure the tribe or nation with which the exchange is made, that the United States will for ever secure and guarantee to them, and their heirs and successors, the country so exchanged with them; and, if they prefer it, the United States will cause a patent or grant to be made and executed to them for the same."

Those Indians have relied on this faith. They have taken root. They are civilized, many of them. They have farms, and schools, and churches, and missions, and a regular government.

Now, the deed that is to be done involves the breaking of this treaty with the poor Indians.

Mark with what honeyed phrase a senatorial politician months the matter: "I fear that it is not possible to preserve this Indian barrier." Why not? Because we want a Pacific Railroad, and because they are

in the way there. "If we must use the tyrant's plea of necessity, I hope we shall treat them with tenderness."

Yes; put the plough under them carefully. Drive the ploughshare of

ruin through their peaceful villages tenderly.

Be very gentle as you cut up, root and branch, those hopeless, helpless, homeless wanderers, and scatter them like the chaff of the summer threshing-floor.

Let the nation, if she must use the tyrant's plea, enact the tyrant tenderly. Let her put gloves of kid over the haud of irou,—a lamb-like fleece over the paw of the wild beast; and let her soft, velvet touch quite console the breaking beart of the red man, as he looks his last on his blackened hearth-stone and the graves of his fathers.

When Saul undertook to dispossess the Gibeonites of their inheritance,

do you not recollect the segnel?

The Gibeonites were the aborigines. Although devoted to destruction, they escaped by stratagem. Israel made a treaty with them, when they conquered Canaan by Joshua. They held their lands by that treaty five hundred years. Saul undertook to dispossess them. He was cut off in battle before achieving his purpose. He had just done enough, however, to leave them open to the next unprincipled king that might reign. God sent the famine—a three years' famine. And when David inquired into the matter, how did it result? Serenty men of Saul's house vere HUNG UP before the Lord; and the Gibeonites were never troubled by any king after that.

But as the bloody house of Saul, in our time, are flourishing again, in full flower; and as we have no David to give them their due, in like manner; alas for our poor Gibeonites! they are gone, their patrimony devoured, they are consumed out of our coasts, they perish from off the face of the earth.

Here, however, it may be said that it is proposed to pass an Indian Homestead Bill,—that such a bill is even now before the House of Representatives,—and that it will prevent the removal of the Indians, and confer on them the privileges of citizenship.

Such a bill is indeed before the house—and what does it propose to do? It proposes to purchase all the lands, not only of all Indians in Kansas Nebraska, but on all United States territory.

"The Choctaws and Chickasaws, Seminoles, Creeks, Cherokees, Senecas and Shawnees, Quapaws, Osages, Miamies, Piankeshaws and Weas, Peorias and Kaskaskias, Ottawas, Sacs and Foxes, Kansas, Pottawatomies, Wyandots, Delawares, Kickapoos, Sacs, Iowas, Half-breeds, Otoes and Omahas."

But, say you, if we purchase their lands, if they choose to sell them, where is the harm?

The harm is, that when this nation once determines to buy, the Indians will have to choose to sell; means will be used to make them choose. Bribes, corruptions, threats and a deluge of whiskey. The forms of a treaty will be gone through with, but it is perfectly well understood that if that bill pass, not a tribe will be suffered to refuse. If they should resist, means will be taken to provoke them to acts of violence; the military will be called in, and a new Seminole tragedy enacted, and they removed at the point of the bayonet.

But suppose they yield (since it is Hobson's choice) and sell out-

Then what does this bill do?

I answer, it extinguishes their nationality at the outset. The Creeks, Cherokees and Choctaws are—thanks to Gospel missions—civilized and Christianized nations, with a regular constitutional government. Their name and their national existence perish the hour this bill goes into effect; for, says the bill,—

"All the lands within the boundaries of the tribe or nation making the treaty to be needed to the United States, and that as soon thereafter as may be practicable, the President shall cause to be surveyed and divided in like manner as the public lands of the United States have heretofore been surveyed, and immediately thereafter each family of the tribe or nation shall be entitled to locate, as a permanent homestead—if a single person, over the age of twenty-one years one-eighth of a section; to each family of two, one quarter-section; to each family of three, and not exceeding five, one half-section; to each family of six, and not exceeding ten, one section; and to each family over ten, one additional quarter-section for every five members."

And the bill goes on afterwards to prescribe the details of the sales of the remaining lands, and of the payment of the proceeds,—by agents appointed by the President,—throwing the Indian families completely into the power of the President and his agents, as much as the office-holders are now; at the same time providing for their becoming naturalized as citizens of the United States. Thus their nationality is broken up, they are changed to voters, and their votes are at the command of the President, who has sole charge of the payments arising from sale of lands.

Here, then, is a notable scheme for buying for the administration the whole Indian vote. Moreover, lest that vote should happen to incline to the side of liberty—the Indian being possibly not yet sufficiently civilized and Christianized to appreciate the blessings of the peculiar institution—the following remarkable clause is inserted in the bill, to which I call your especial attention. After specifying that each family over ten shall have an additional quarter section for every five members, the bill goes on:—

"And to families who own SLAYES, in addition to the foregoing, there shall be allowed, if less than ten slaves, one half-section; if ten, and not exceeding fifteen, one section; and for every ten above that number, one half-section."

Then, the Indians are not only to be sold to the government as a Presidential body guard of voters, but a clear bonus of a section and a half of land for twenty-five slaves, and a half-section for every ten over that. Thus, the Indian that can contrive to get a gang of one hundred slaves would be rewarded with eight or nine sections of land.

It is a pity John Mitchel could not prove his mother an Indian,—there would be a chance for him.

Thus, by the bye, the slaves are to be given over to the irresponsible power—not now of christian masters, whether of the Legree or St. Clare stamp—but of the fiercest Indian savages, Sacs, Foxes, Kickapoos and Omahaws.

And this is the Indian Homestead Bill, which is to prevent the Indians being driven out by the Nebraska Bill. Let them be driven out a thousand times rather than this. Let them be driven into the Pacific, rather than sold to the slave power.

But is this the Nebraska Bill? some may ask. I answer, no but it is its twin brother. They came out of the same prolific Patriarchal womb, and when the Senatorial mid-wife was asked some questions about her Nebraska Jacob, she referred significantly to this Kickapoo Esau, in the House, as answering all questions.

Therefore, the character of the deed proposed to be done rises before us in unmistakeable colors. It involves a virtual violation of the national faith with the Indians. If not in the letter, at least in the spirit. The nation will be forsworn—the national honor lost. She removes her neighbors' landmark. She does evil to her neighbor. How shall she expect "never be be moved?"? How can she abide in the tabernacle of the Lord, or dwell in his holy hill?

 It is time, however, to examine the intrinsic character of the deed, viz.: to establish, or permit to be established, the system of slave laws, where they do not now exist.

If I were arguing for immediate abolition of such laws where they do exist, I might excite prejudice in some,—I might fail to convince many estimable persons, however good my ar guments.

But the question is not abolition, but Institution. Hence, I trust all old prejudices may be laid aside, all form or issues forgot, and we address our minds to this single question,—Is the LAW of slavery so intrinsically right that this nation ought now to establish it—permit it to be established, where it has been prohibited for ever? Let us look at it calmly a moment. Is there anything in nature that ordains that the child of a slave-mother shall be a slave? Does not the Declaration \$83," We hold

it to be self-evident that all men are born free?" But if so, how comes the child a slave? Does nature enslave him, or Law—artificial law? The law, you answer. That child, that the Declaration says is born free—self-evidently so—the Law seizes, the moment it is born, stamps it with the seal of violence, and hangs the yoke of bondage on its neck.

As some Circean enchantess, the law stands by the cradle of every infant of a slave-mother, and mutters a spell over its peaceful slumbers, and it is transformed to a beast. That immortal—redeemed by the blood of the Son of God—to whom angels minister—which must stand at the judgment seat of Christ—which must exist in joy or woe forever and ever—the law meets on life's threshold and transforms to a chattel, like a lamb or a kid. Each rising generation of infants the law thus meets and disfranchises by a fresh spell of transforming power.

If God should mercifully ordain sudden sterility on all slave-mothers; if nature—shocked at co-operation in that so vast a deed of wrong—should shut the doors of the womb, and the whole issue of the house of bondage be in a moment cut off; and if then the law had power, as by enchantment, to seize in Africa an equal number of new-born infants; waft them by a spell through the air, and deposit them in the slave huts—that would be no more an act of enslaving nature's free-born children, than the law now performs on every generation. According to the Declaration, those infants born under the palm-trees of Africa are no more free-born than those born on the savannahs of the South. And the act of enslaving these differs not a shade, nor a shadow, from the act of enslaving those. Is the Legislature cop to reach behind the veil and enslave generations of spirits yet unborn?

If, indeed, a legislature of men whose breath is in their nostrils could summon to their bar out of futurity's womb all spirits of a certain race that ever should be born, and brand them beforehand by Divine authority as chattels, like the beasts, then might they be born enslaved.

But till they can vindicate this prerogative of God Almighty, those spirits are born free. And the act of enslaving them is as positive an act of the law as if it snatched them by magic from the heart of Africa.

And what possible reason can be offered why the law should enslave that child? Because it first enslaved its mother when she was born? Because the law wronged the mother, therefore must it wrong her babe?

That babe's mother was wronged, when she was born, because her mother had been. Her mother because her's had been, and so on, up to the first piratical act of wrong on the coast of Africa. The law has done nothing but repeat that first act of wrong all along down the chain every time there was a babe born to repeat it on; and, therefore, it must keep on repeating it on all babes, as fast as they are born, for all time to come.

Can any one justify one link in the chain without justifying the first link on which the whole chain hangs?

The only difference seems to be that the first act of seizare or purchase in Africa was done by an individual trader; now it is done by a company. Then it was done by the law of individual will; now by company rule and regulation. For a state is but a company, and state laws are only company rules. And slave states together are only a company of one hundred and fifty thousand capitalists, with a capital of two thousand millions of dollars, associated for the purpose, among other things, of enslaving three million, free born infants every generation. And slave laws are nothing but the company rules and regulations by which the business is carried on.

Now, does the form of doing the business alter its essential nature? Does this business become right because it is an old business?—because it is done by rule, methodically, systematically with the whole combined power of an immense company, which we call STATE?

If I am enslaved irregularly by a single man, that is wrong; if regularly by a company, that is right. If I am enslaved when grown to manhood in Africa, that is wrong; but if I am enslaved from birth, that is right. If I am enslaved alone, and my mother escapes, that is wrong; but if she also is enslaved before I was born, and I am enslaved because she was, that is right. Is this the logic of the nineteenth century of the Christian era?

On the contrary, does not the law of God and the Gospel tell us, that if to enslave a woman be wrong, to enslave her child after her heightens the wrong? If to do this individually and occasionally be wrong, to do it by company rule from generation to generation is increasingly wrong. The wrong increases. The debt to justice accumulates. The iniquity, instead of being extennated, swells to a vaster aggregate, and darkens to a deeper dye of guilt.

Now, the question on which I solicit the unanimous verdict of this audience is,—are such laws intrinsically right, so that this Christian republic can, without sin, establish them over a vast empire—where they do not exist, but are prohibited? If I undertook to make you say, they ought to be abolished immediately where they do exist, you would meet me with objections,—How can it be done?—What will be the consequences?—and all that.

But that is not the point.

Are these laws intrinsically right, so that we may, without sin, set them up all over Nebraska?—that is the question. Nay, not only Nebraska, but all the territory of the United States—for that is the game ultimately. Nay, in all the free States, and all the world; for what is right in Nebraska on one race, is right everywhere on all races. Shall the Untited States, with the New Testament in one hand, saying, "Go, preach my Gospel to every creature"—with the other open Nebraska, and say to Anglo-Saxons, Choctaws, Sacs, Foxes and Kickapoos,—Organize yourselves into a vast joint-stock company for enslaving free-born infants of African race, for all ages to come—and institute laws transforming them to beasts of sale?

Shall this Christian nation say,—Go in there—plough out the Indians—abolish their nationality—break up their system of schools, missions, churches—sell them as an administration body-guard of voters—and set up laws that forbid the teaching of slaves to read—that prohibit the giving them the Bible, and abolish marriage?

This is the question. It is whether the nation shall build a peculiar institution, a dungeon-brothel, as large as all Nebraska Kansas.

And what is the character of that bill, then, that does the deed for us? What sort of a bill is that that sets up a law essentially wicked; inevitably cruel in its developement; debasing master and slave; annihilating marriage; obliterating the family; breeding men like cattle; necessitating the lash; prohibiting letters; withholding the Bible; and that not in a corner, but in a territory large as the original thirteen, in the center of the continent on the throne of power of the republic, in violation of thirty years' solemn compact;—in violation of national treaty-faith; in the ninteteenth century of the Christian era; in the midst of churches, and missions, and religious papers, tracts and bibles, and a vast machinery of world evangelization?

That does it while, at the same time, Russia, and France, and Turkey, and Algiers—nations anti-Christian or heathen—are abolishing those laws in their dominions?

Can the character of such a bill be over-stated? Is not language powerless to utter it,—incompetent to frame fitting expression of the judgments and feelings of the soul?

To say that the deed is wrong, does that satisfy the conscience?

Is there not a wrong here, which is properly unspeakable? Is there not a sin here whose scarlet can never become like snow,—whose crimson, gory-red, can never become like wool?

And if it seem so to us, who are of unclean lips,—if it so shock and appal filthy man, who drinketh in iniquity like water,—if its dark, atrocious, malignant, diabolical guilt makes us to shudder, whose righteousnesses are as if they are successed in the success of purer eyes than to behold iniquity,—who cannot be deceived, will not be mocked, and before whose burning gaze all things are open and naked!

If he purged a world of violence by a flood,—overthrew Sodom by fire and brimstone,—plagued Egypt,—swept Babylon with the besom of destruction,—made Israel a proverb and by-word,—and shook the Roman

empire with earthquake after earthquake,—what cup of wrath will be commend to the lips of that nation which in the light of the latter day has transcended the combined iniquity and infamy of all?

III. CONSEQUENCES.

It is time, then, to begin with trembling, to speak of the consequences to be anticipated, if this bill becomes a law.

When in Switzerland I stood upon the Righi, I saw beneath, in a valley, the spot where a mountain had fallen and overwhelmed a village. The peaceful inhabitants of the vale knew not, an hour before, of the impending danger; if they had, and had sent out surveyors to journey by the hour along the base and sides of that stupendous mountain, already tottering to its fall, there would be a faint emblem of our position as we walk along the base and side of this impending avalanche of ruin.

The consequences of its fall who can estimate?

1. The consequence first and most to be dreaded is the acquiescence of the nation. Are we ready to exclaim, "Is thy servant a dog, that he should do this thing?" Yet Hazael reigned. And this nation have acquiesced in deeds as bad as or worse than this.

In 1849, before I left the West, while the compromise measures of 1850 were concocting, I said, in a sermon on the subject, I could not believe that the nation could be brought to acquiesce in the Fngitive Slave Law. Even after its passage, when I first came East, I could not yet believe it possible. Too soon, however, I discovered my mistake.

Many eminent men differed widely from me in their views of that measure. In this community it presently appeared that they were a vast majority; their views prevailed throughout the country: the Law was acquiesced in.

Far be it from me to impeach the motives, or question the sincerity of any man, living or dead. Nevertheless, you will allow me to say, without offence, that if the views of the *minority* could have prevailed then, they would have saved us now.

The real ground of our danger now, lies in the principles which were established in 1850 by Daniel Webster, Moses Stuart, and others eminent in Church and State. They gave up that first principle of Protestant Christianity, the right of private judgment. They denied the first principle of religion, that God alone is Lord of the conscience, and that His law is higher than all human laws. Those sacred principles sustained a defeat at that time, from which I fear they cannot now rally. They were beaten down. They were trampled in the dust. Both great political parties vied in building platforms on their very grave. How can they have a resurrection? Public sentiment was demoralized. The church was debauched. The Union was then wrecked, not saved

We have been in the trough of the sea ever since, and the waves that are tearing up our planks and sending us to the bottom, then first made clean breach over us. Therefore, I say, I fear the first consequence of the passage of this Nebraska Bill will be (after a few spasms) acquiescence.

This bill is not a whit wickeder than that of 1850, only its wickedness is more apparent. It has no constitutional fig-leaves to hide its shame. But if this be more naked, the public eye is more glazed. If this be more palpably and tangibly corrupt, the public heart is more hard, and its conscience seared.

The people are fickle; the slave-power unchanging as fate. The people are undisciplined; the slave-power is a solid phalanx of capital. The people are demoralized, immersed in Mammon; the slave-power is aggressive, unscrupulous, and flushed with victorious ambition.

We shall have a few speeches, a few sermons, a few conventions perhaps, a great deal of bluster;—a calm will ensue; the thing will die away; the nation will acquiesce.

This is what I fear. It rests with you, and your fellow-citizens elsewhere, to show whether it shall be so. For.

2. The second consequence will be, provided the nation do acquiesce, the application of the principles of the bill to the whole North-West territory. The ordinance of 1787 will be like tow in the flame. The Indian Homestead Bill, now in the House, is a fire already lighted to burn it up.

3. The next consequence will be the final cession of the power of the Government into the hands of a small company of capitalists.

One hundred and fifty thousand masters, with a capital of two thousand millions, will own the Government in fee simple. They will always be able to command a working majority, against which it will be hopeless to contend

4. The next consequence will be a decision that slave property may be taken into any State in the Union, and held there during a journey, or on a visit. And when that is done, the last step will be easy—the toleration of slavery, the establishment of slave law in every State in the Union, and the re-opening of the African slave trade.

Beyond that lies the acquisition of Cuba and Mexico, their conversion into slave states and the consummation of the ambitious projects of the slaveholding capitalists.

And beyond that lies—what? Beyond that—sooner or later—lies anarchy, civil war, and all the horrors of servile insurrection and massacre.

If these things do not come to pass, provided this Bill becomes a law, and is acquiesced in, then it will be because God sees fit for our express benefit to repeal the law of cause and effect, and to ordain that like

causes shall no longer produce like effects. But that which God would not do for Israel, his covenant people, he will not do for us, and the sum may be expressed in this. We shall be given over of God to judicial blindness. Christ will weep over us as he did over Jerusalem, saying, "If thou hadst known in this thy day the things that belong to thy peace, but now they are hid from thine eyes."

There is, therefore, a sublimity of iniquity about this deed coming to pass that defeats judgment. The evil is of such dimension that the common mind refuses to take it in—fails to appreciate it. The stupendous horror steals on upon the land like an eclipse, so gradually, so imperceptibly, as by the revolution of the spheres, that it seems but a natural twilight, or a natural night, in which bird and beast may retire to rest, and man lie down to repose till the morning.

But it is a night that knows no morning. It is an eclipse of the glory of God which will be total and final, and its midnight shadow will never pass off till it is forever dispelled by the fires of the Judgment Day.

IV .- DUTY.

Shall I go on, then, to speak of our duty?

- 1. As the indispensable prerequisite for doing anything well, let me warn and exhort you to put on humility like a garment. To deal with sin as we ought in others, we must well remember our own deep sinfulness. We must repent in sackcloth and ashes. We must be contrite and broken-hearted, and receive a strength from God through atoning blood; then we shall be able to fight the Christian warfare.
- 2. We must forecast what we will do if the Bill passes. It will pass. At any rate, suppose it. Suppose the worst. Then what? We must be ready, we must have our principles, and our determination fixed for a life struggle. We must say, Slavery shall go down. The South have broken all compacts. We will make no more. The South has thrown down the gauntlet, we will take it up. We will never acquiesce in this Bill. We will fight it step by step and inch by inch. We will repeal it, if possible. If not, we will call a National Council of Freedom, and adopt such a platform as the country never saw since the Revolution. It shall not be a Whig platform, nor a Democratic platform, nor of any other known political name. It shall be the platform of the principles of '76. The old spirit of the Revolution shall baptize us.
 - And we will put these planks in that platform :
 - 1. No more slave territory, no more slave states.
- 2. Abolish the inter-state slave trade. We will have no more buying and selling men and women under our flag,
 - 3. Amend the Constitution by striking out the clause for the rendition

of fugitives, and abolish all laws based thereon. We will have no more slave-hunting in our free States.

4. Deprive those one hundred and fifty thousand slaveholders, with their three million slaves of their three-fifths vote. Amend the Constitution. Change the basis of representation. Why should not the northern farmer have three votes for every five horses, or oxen, or hogs, as well as the southern planter three votes for every five slaves whom he buys and sells like cattle?

We will no longer pnt this rod of power into the hands of those capitalists for them to beat us with. We will no more, like Balaam's ass, cry, "Am I not thine ass, on which thou hast ridden since the day I was thine until now; wherefore smitest thou me?"

- 5. No more buying of Indian territory. The faith of treaties sacred.
- 6. And if the South choose to go out of the Union, let them try it.
 - Is the Union a god that we should fall down and worship it?
- 7. Slavery shall be shut up for ever in the States where it now exists. And they may abolish it or not, as they please. But when it comes to the State line, we say, Thus far shalt thou come, and no further.
- 8. The influence and power of the general Government, and its patronage, shall be thrown on the side of freedom, and against slavery.

Let this platform be adopted by a council of freemen. Let the churches adopt it. Let the press sustain it. Let the pulpit preach it. And let the people pledge to it their lives and sacred honor.

And let them vow before God never to cease fighting till that platform is carried.

That may save us. That alone, with God's blessing, can.

3. But there is a duty nearer at hand. This supposes the law to have passed. It has not passed. It may possibly be defeated. Our most immediate duty, then, is to unite in sending up a cry to Congress that shall make the majority there turn pale.

That majority is corrupt. That majority is unprincipled. From their splendid hotels, from their gorgeous banqueting halls and saloons, from conclave and caucus,—aye, and some of them from midnight orgies, and drunken revel, and blasphemous debauch in gambling house and brothel,—they gather together to insult the steadfast few "faithful found among the faithless," to defy Heaven and barter away the liberties of their country.

That majority, like an infamous herd of political blacklegs, gambling in election stock, sealing the fate of millions unborn,—the fate of the greatest empire sun ever shone on,—the fate of the world,—upon the cast of the presidential dice!

I will not say, Oh for a Cromwell, with his Iron-sides, to purge these halls at point of bayonet !—a Napoleon, even, to drive those beasts from

their stalls!—though even that were a blessed exchange. Ah no! I ask for a people, rising in their majesty and their strength.

All is at stake. All is lost, if they go on. And is there no check,-

no rein on their neck,-no bridle in the hand of the people?

The science of *lying* is so universally and perfectly developed,—false-hood brays in the ear of Congress, with such deafening din, its hundred-tongued rumor,—that the wretches in the majority there cannot hear, and will not hear, what the calm and orderly people at home are saying.

Alas! nothing—unless it be a cry like the cry of Egypt at the death of her first-born—will arrest them,—unless the nation shriek, as men shrieked when the Deluge burst over them: it will be too late.

But if the voice of the nation, in its despair, in its repentance, in its wrath, rises—like the ocean, like the voice of God—and rolls in and dashes across the walls of Congress, then those minions will tremble; then they will cower and crouch, and the bill will die, and the nation will like.



THE LECOMPTON

PEECH OF HON. JOH BINGHAM.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JANUARY 25, 1858.

Mr. Chairman: It is not my purpose to say country in the settlement of this great quesanything of the neutrality act of 1818. Enough has been said in this debate, both on this side of the House and upon that, in vindication of hat law. Enough has also been said of Gen. William Walker, and his raid upon Nicaragua. Enough, and more than enough, sir, has been said in denunciation of the gallant Paulding, for his fidelity to duty in arresting this culprit and refugee from justice, and sending him back to answer to the violated laws of his country. The President, sir, has pressed upon the consideration of this Honse a question of graver significance, of mightier import, a question which concerns the nation's honor and the nation's life-a question which to-day challenges the profound attention of the whole people of this conntry-a question upon which, if the official organ of the President is to be credited, this House will soon be required to pronounce its final decision. It is useless to waste the time of the House in demonstrating the position of the President upon this great question. The President and his party not only endorse the Lecompton Constitution, but by argument, by entreaty, and by threat, seek to induce Congress to endorse it, and thereby give to it the sanction and the force of law. That journal which is said to be in the favor of the Executive, and to reflect his opinions, has told us recently that the question of the adoption or rejection of this Lecompton Constitution will be a question between law and faction. I think, sir, it would have been more accurate to have said it is a question between Executive despotism and popular lib-

I do not recognise the right of the Executive to dictate to this House the manner in which is shall discharge its official duty. It is his province to give to Congress information of the state of the Union, and to recommend to its consideration such measures of public policy as he may deem just and proper, but not to control its legislation.

I trust that no member of this body will be influenced in the discharge of his official duties here, and more especially in the discharge of tion, by any consideration other than his sense of right and justice. For myself, I am free to say, that notwithstanding the President's solicitude in this behalf; notwithstanding the reported announcement by a distinguished Senator, that if Congress reject this slave Constitution, his State will secede from the Union; notwithstanding the clamor of the party of the President, here and elsewhere-I cannot and will not give my sanction to this Lecompton Constitution. This instrument does not emanate from the people of Kansas. It is not their will. Its provisions are in direct conflict with the Constitution of the United States, and with the principles of eternal justice.

It is conceded, it cannot be denied, that the reason why the Convention which framed this instrument refused to submit it to the people, for their approval or rejection, was, that the people would have voted it down. The proposition, the monstrous proposition, is now made by the President, and by gentlemen on this floor, to establish this instrument as the Constitution of Kansas by act of Congress, and against the will of the people of that Territory. Sir, it is the first time in the history of the Republic, that the attempt has been made to establish, by Federal authority, a State Constitution and Government against the will of the people, and without their consent. State Constitutions have been framed, and sent to Congress for ratification, without any formal submission thereof to the popular vote; but it was only in cases where the people, beyond all question, made the Constitution, by their legally. apprinted delegates. This has not been done in Kansas. No delegates have been legally chosen there; nor have any delegates been chosen there at all by the great body of the people.

The delegates who framed this instrument were chosen by a body of men not equal in number to one-fourth the whole number of qualified voters in Kansas, and by virtue of an election law passed by usurpers. The Constitution thus framed is the joint product of local that duty which he owes to himself and his and Federal usurpation. Let him deny this

who can, or who dare. But for Federal intervention, the Missouri invasion of Kansas would not have resulted in the election of the first Legislature in that Territory, and in the enactment by that body of a code of laws, so atrocious and unjust, that no man can or dare approve it. But for Federal intervention, the delegates to the Lecompton Convention would not have been chosen! But for Federal intervention, and the presence of Federal bayonets at Lecempton, those delegates would not have thus conspired against the liberties and insulted the majesty of the people. Now that this act of infamy has been done; now that the rights of the people have been cloven down; now that popular sovereignty in that Territory has been strangled, or, as a distinguished Administration S-nator is reported to have said, throttled.* by the hands of the Federal Executive-we are blandly told to affirm this great crime against popular rights for the sake of the Union, cr, to use the President's very expressive words, "for the peace and quiet of the whole country" Sir, it is not the first time that acts of tyranny have been dignified with The invader has the title of peace measures. before now destroyed the vintage, enslaved the people, plundered and burned their habitations, and called the desolation, which followed in the train of his conquest, peace!

We were assured the other day, by the Conrt Journal, that "all is quiet in Kausas." Sir, if there be quiet in that distant Territory, it is not the gniet of contentment, it is not the calm repose of a people secure in their rights and happy in the enjoyment of them; it is the fitful lull which precedes the storm. Look to it, ye warders of the Union and the Constitution, that by your act the freemen of Kansas are not driven to that point at which forbearance ceases to be a virtne, nay, becomes a crime, and submission the basest cowardice and treason. I was pained, sir, to hear the gentleman from Arkansas [Mr. WARNER] say in this debate "that the people of Kansas had not the manliness to assert and defend their rights as free men, and to form their own Government," and men, and to form their own Government, and yet he was ready "to vote now to admit the State of Kansas under the Lecompton Constitution." The first of these assertions, sir, whether so intended or not, is, in my judgment, a calumny upon that injured people, and the last is a concession that the Constitution which that gentleman is ready to vote for and sanction was not formed by the people of Kansas.

While I thank the gentleman for this honest concession that the Lecompton Constitution was not framed by the people, I beg leave to

eav to him, and to all who think with him upo: this floor, that, notwithstanding his assertion of their want of manliness, notwithstanding h questions their valor, Kansas is peopled with freemen who know their rights, and, knowing dare maintain them. They have the fortitud to endure; they have the courage to dare they have learned wisdom in the lair of op pression; and to-day, by their defiant attitude bear witness that the fires of persecution through which they have walked are not wholl impotent for good, but may elevate and purif as well as consume. I say, as did the gentle man from Georgia, [Mr. GARTELL] who ad dressed the House this morning, "I am n alarmist" I would scorn to invoke any man." fears; I would scorn to appeal to any man' prejudices; I would scorn to anticipate conse quences, however imminent or perilous, by way of apology, or colorable apology, for infidelity to duty. I say it deliberately, as the conviction of my mind, that our oaths and our honor, and the peace and prosperity of our whole country alike demand that, as Representatives of the American people, we should, careless of al consequences, spnrn this Lecompton Constitu tion from us. An honest man fears no act o his life so much as duty unperformed, or wrong purposely committed.

purposely committed.

I repeat it: look to it, ye Representative of the people, ye men who keep ward and watch over the Constitution and the Union that the freemen of Kansas are not, by you act, driven to the dread election of submission and dishonor, or resistance unto blood. Itel you, notwithstanding their alleged want o malliness, Kansas has hosts of citizens, good men and true, who will never stoop to be you abject slaves.

"While heaven has light or earth has graves!"

Sanction this Constitution, conceived in sir and brought forth in iniquity, and you can only maintain it by the Federal arm and the Feder al bayonet; it can never receive the voluntary support of a free people. Sanction this Constitution, and with it sanction, as it sanctions that code of abominations which the invader of Kansas enacted, and you compel resistance of Kansas enacted, and you compel resistance features to such legislation would be duty not crime; patriotism, not treason. The resistants, or insurgents, or Rebels, if you please could point you, in vindication of their rebelion, to the fact that the history of Federal in tervention in Kansas, ever since the day of ku organization, is but a history of repeated injuries and usurpations.

In vindication of their rebellion, they could point you to the fact, that by your organic ac you solemnly pledged the nation's faith that the people of Kansas "should be left perfectly fre to FORM AND REGULATE their domestic institutions in their own way, subject only to the Cortattution of the United States." In vindication of their rebellion, they could point you to the

^{*}It appeared in the public journals that on 7th July last, U. S. Senator A. G. Brown, of Mississippi, made a speech at Yazoo, Mississippi, in which he said:

[&]quot;He had heard it from the President's own lips, that this theory of sequence sovereignty was one of the most damnable hereises that was ever broached in this or in any other country, and that he (the President) would leave nothing undone to THROTTLE it."

vords of the great Declaration, that are created equal, and endowed by Creator with the rights of life and libery;" and that to secure these rights, " Governments are instituted amongst men, deriving their just powers from the consent of the governed." These words of the Declaration still live; like the words of Luther, they are half battles; they possess vitality; they were accredited in the day of our nation's peril as the law and the voice of God; to day they announce the great right of self government, upon which rests the beautiful fabric of our free institutions. Let the wronged men of Kansas, in protest against your proposed act of tyranny-your violation of their natural and guaran tied right of self-government-but appeal to the whole people of America in the living and immortal words of the Declaration, and their appeal will not be made in vain; it will stir the American heart like the blast of a trumpet,

Mr. CLEMENS. Will the gentleman from Ohio allow me to ask him a question?

Mr. BINGHAM. Yes, sir.

You have cited the lan-Mr. CLEMENS. guage of the Declaration of Independence, that all Governments derive their just powers from the consent of the governed. Will you be kind enough to tell me whether, according to the popular system of government, the people can act except under law and by law, or whether there is any such thing, so far as the sovereignty of the people is concerned, as acting except in consonance and conformity with the existing law?

Mr. BINGHAM. I have not claimed anyhing else than that; therefore the gentleman night as well have saved himself the trouble of resenting such a question for my considera-But I would like to ask the gentleman rom Virginia if he undertakes to say that this Kansas code, called a code of laws, and which his Lecompton Constitution expressly endorses. s law? Will the gentleman be so good as to

inswer that?

Mr. CLEMENS. Who is to decide that

uestion? Is it the people of Kansas? Mr. BINGHAM I will tell the gentleman

tho is to decide that question. We are to deide it, sir; and that gentleman, in common ith all of us, is bound by his cath to decide it. Mr. CLEMENS Very well. I admit that.

I come to another question.

Mr. BINGHAM. I only gave way to the gentleman to ask me one question, and not to occupy my time. He will please excuse me. When I get through, I will, if the Committee

pleases, answer him till sundown.

Sir, the great right of self-government cannot now he set aside by the puerile conceits of demagogues, whether embodied in a President's message or an instrument framed by conspirators. The Lecompton Constitution directly contravenes this right of self-government, and proposes to legalize forever the violation of life,

and liberty, and property, and to establish a Government, armed with this fatal power, against the consent of the governed. colorable apology can be made for this criminal conspiracy against the rights of mankind-for this attempt to repudiate the vital element of American institutions? Surely none can be found in the assertion of the President, that "the requirement to submit the whole Constitution to the people was not inserted in the Kansas-Nebraska act;" and "the Convention was not bound by its terms to submit any other portion of the instrument to an election, except that which relates to the domestic institution of Slavery." This is most remarkable language to come from the Chief Magistrate of the American R public. The requirement to submit the whole Constitution to the people was not inserted in the organic act of Kansas; therefore, the convention of delegates, the people's servants, are not bound to submit the Constitution which they have framed to their masters, for their approval or disapproval! Is the servant greater than his lord-the creature greater than his creator? What are these delegates but the servants of the people? What powers or rights have they, not delegated by the people? The right to frame a State Constitution is inherent in the people, and is inalienable. It was well said, on a memorable occasion, by a distinguished Senator, then representing with pre-eminent ability the State of Missouri:

"Conventions [to form State Constitutions] were original acts of the people They depended upon inherent and inalienable rights. The people of any State may, at any time, meet in Convention, without a law of their Legisla ture, and without any provision or against any provision of their Constitution, and may alter or abolish their whole frame of Government. The sovereign power to govern themselves was in the majorint, and they could not divested of it.—Congressional behaves, volume 12, p. 1036.

Mr. CLEMENS. Who said that? Mr. BINGHAM. Mr. Benton.

Mr. GROW. President Buchanan held the

Mr. BINGHAM. That is true, and I shall notice that hereafter. That was Democratio doctrine in 1836, when Michigan applied to be admitted into the Union. Then, sir, the people might make a State Constitution without a Territorial law, or against a Territoria! law, because the validity of the act depended, not upon any existing statute, but upon the inherent right of the people-their great right of self-government, of which they could not be divested. If the words of the message just cited mean anything, they do mean that the people have not the inherent right of a of government; that their right to reject a Constitution, framed by their delegates, depends upon a requirement in the organic act binding their delegates to submit the whole Constitution to the people, and that all their rights in the premises exist only by virtue of Federal grant. This surely repeals the very words of the organic act of Kansas, which declares that "the people of the Territory shall be left perfeetly free to form and regulate their domestic

left to form all their domestic institutions-not merely the "institution of Slavery," as the President says, but all their local and State institutions. The organic act, by its words, simply affirms the right of self-government to be in the people; it does not profess to confer any such right. A man not yet ont of the horn-book upon the law of construction, ought to know that this organic Kansas act does not profess to, and does not, in fact, grant the people the power to form their own domestic institutions. The spirit of the act is, that it leaves the people, as it found the people, perfectly free, by virtne of their own inherent right, to form their domestic institutions in their own way, subject only to the Constitution of the United States.

The gentleman from Mississippi, [Mr. LAMAR,] following the assumption of the President, insisted that the organic act of Kansas was an enabling act. With all due respect for that gentleman, and with as much respect for the President as he permits me to entertain for him, I beg leave to say that the assertion, that the organic act of Kansas is an enabling act, is an after-thought. The President's party was not of that mind during the Thirty-fourth Congress. when they clamored, from the Penobscot to the Pacific, for the passage by the House of their enabling Kansas act, which passed the Senate, known as the Toombs bill. No, sir; the organic act of Kansas is not, nor was it intended to be, an enabling act. Nor do I deem it necessary that there should be an enabling act. The Twenty-fourth Congress, by a most decisive vote, so decided; and amongst those of that Congress who so declared, both by speech and vote, the present Chief Magistrate, Mr. Buchanan, was conspicuous. Pending the question for the admission of Michigan npon a Constitution made by the people, without any act of Congress or Territorial act anthorizing it, Mr. Buchanan spoke as follows:

"The precedent in the case of Tennessee has completely silenced all opposition in regard to the necessity of a prev ous act of Congress to enable the people of of a prev ous act of Congress to enable the people of Michigen to form a State Constitution. I now seems to be conceded that our subsequent approbation is equiva-lent to our previous action. This can no longer be doun-ed. We have the unquestionable power of wearing any ir requirative in the mote of framing the Constitution, and any such costed.—12 Congressional Disbate, pp. 184, 1884. He did hope that his Sire is a regolegor unit into our

removed; and that this State, to ready to rush into our arms, would not be repulsed, because of the absence of some formalities which perhaps were very proper, but certainly not sindispensable."—Ibid., 1015.

It is no snawer to say that the question in the case of Michigan was not, as in the case of Kansas, whether the people had the right to pass npon the Constitution before Congress should approve it, and admit the State under it. The question in the case of Michigan included this, and more; the question there was, whether the people, of their own motion, and without the aid of a statute, National or Terriorial, could make a Constitution, preparatory to admission into the Union, which Congress demand, that Congress shall fasten this repu-

institutions in their own way." They shall be | could receive and approve; and it was solemnly, and by the votes of more than three-fourths of the Twenty-fourth Congress, decided they could-that the action of the people without an enabling act was an informality which Congress could waive, and in that case did waive. It is indisputably true that the people of the Territory may themselves waive the formal ratification of the Constitution, after their delegates shall have framed it; and in anch case may well be held bound by the acts of their agents. But in this instance, the people of Kansas have not so waived their right. know that it has been assumed in debate here by the gentleman from Mississippi, [Mr. LAMAR, and that the message of the President proceeds upon the same assumption, that the Lecompton Convention was a legally-constitnted body, and that the legal presumption is, that what they have done has been lawfully done, and is the will and act of the people of Kansas, whose agents they were.

Sir, nothing can be clearer than that the Lecompton Corvention was not a legally-constituted body; that the Legislature which enacted the statute by which the members of said Convention were elected, was itself an illegal body, frandulently chosen; and that their statute was not so executed, even if it had been valid, as to give legal effect to the election held under it.

But, admitting the assumption of the President and his especial advocates on this floor to be true, that the Lecompton Convention was a lawfully-constituted body, the legal presumption that their act is the act of the people of Kansas cannot stand before the admitted and KNOWN FACT, that a very large majority of the people of Kansas wholly repudiate the Convention, and the Constitution presented by it, and are to-day ready to take up arms in resistance of it, and of any Government which may be established under it.

There is, there can be, no presumption, either legal or natural, contrary to known and admitted facts. I say, therefore, admitting the President to be right in assuming the legality of the Lecompton Convention, his asserted legal presumption against known facts cannot be gravely entertained, and must be scouted by every well-informed man, as the veries quibble, in aid of the most desperate cause Despite this quibble and the force of this legal presumption, it must be conceded, it cannot be gainsayed, that the delegates who formed the Lecompton Constitution were not chosen by the majority, but, on the contrary, by a very small minority of the people of Kansas; and that it is as well known as the fact that this Constitution was made by the delegates thus chosen, that it has been, and is now, emphatically repudiated and condemned by an overwhelming majority of the people of Kansas. And yet, in the face of this fact, patent to all men, the President, and his party on this floor,

diated instrument upon the people of Kansas as their legitimate act, and thereby coerce them to ecquiesce in it and accept it as the expression of their will. You call this popular sovereignty: I call it Federal usurpation and Federal despctism; and, before I give this proposed act of Federal tyranny my voluntary sanction, either by word or vote, may my right hand forget its cunning, and my tongue cleave to the roof of my mouth.

But, sir, it is asserted by the President that "the question has been fairly and explicitly re ferred (by the schedule of this instrument) to the people, whether they will have a Constitu tion with or without Slavery." With all due deference, I submit that the very contrary of this is the truth, and so clearly expressed on the face of the Constitution as to silence all controversy. The seventh section of the schednle centains the provision for the submission of the question of Slavery, and the only provision; it is as follows:

"[7.] SEC. 7. That this Constitution shall be submitted to the Congress of the United States at its next ensuing Session, and as soon as official information has been re-ceived that it is approved by the same, by the admission of the Sute of Kansas as one of the sovereign States of the United States, the President of this Convention shall issue his proclamation to convene the State Legislature at the seat of Government within thirty-one days after publication. Should any vacancy occur, by death. resignation, or othe wise, in the Legislature or other office, he shall order an election to fill such vacancy: Provided. however, in case of refusal, absence, or disability of the President of this Convention to discharge the duties herein imposed on him, the President pro tempore of this Convention shall perform said duties; and in case of absence.
refusal, or disability of the President pro tempore. a committee consisting of seven, or a majority of them, shall discharge the dunes required of the President of this Con-[11] Before this Constitution shall be sent to Congress for admission into the Union as a State, it shall Congress for admission into the Union as a State, it shall be submitted to all the white male inhabitants of this ferritory, for approval or disapproval, as follows: The President of this Convention shall, by proclamation, declare that on the 21st day of December, 1-57, at the differentiation of the convention of the accurate mat off the 22st oldy of December, 1954, a fire dif-ferent election preclinets now established by a fire dif-which may be established as herein provided, in the Ter-ritory of Kansas, an election shall be held, over which shall preside three judges, or a majority of them, to be applied as follows: The President of us Convention shall appoint three commissioners in each county in the Territory, whose duty it shall be to appoint three judges of election in the several precincts of their respective counties, and to establish precincts for voting, and to cause pollis to be opened at such places as they may deem proper in their represente counties; at which election the Council tion framed by this Convention shall be submitted to all the white male inhabitants of the Perritory of Kaussas the said Territory upon that day, and over the age of twenty-one years, for ratification or rejection, in the following manner and form: The voting shall be by ballot. The judges of said election shall cause to be kept two poll-books by two clerks by them appointed. The ballots Slavery,' or 'Constitution with no Slavery.' One of said Stayery, or Constitution with no Stayery. One of state poll-books shall be returned within eight days to the President of this Convention, and the other shall be retained by the judges of election, and kept open for inspection. The President, with two or more members of this Convention, shall exumine suid poll-books, and if it shall appear upon said examination that a majority of the legal voies cast at said election he in favor of the 'Constitution with Slavery,' he shall immediately have the same transmitted to the Congress of the United States, as hereinbefore provided. But if, upon such examination of said poll-books, it shall appear that a majority of the legal votes cast at said election be in favor of the Constitution with no Slavery, then the article providing for Slavery shall be stricken from this Constitution by the President of this Convention, and Slavery shall no longer exist in the State of Kansas, (except that the right of property

in slaves now in this Territory shall in no manner be interfered w th.) and shall have transmitted the Constitu-tion so ratifies to the Congress of the United States, as hereis before provided. In case of the fulture of the President of this Convention to perform the duties imposed upon him in the foregoing section, by reason of death, resignation, or otherwise, the same duties shall devolve upon the President pro tempore."

Can it be said that this is a fair submission to the people, whether they will have a Constitution with or without Slavery? I do no more than call attention to the extraordinary and unfair provision that the President of the Lecompton Convention, Mr. Calhoun, is to appoint three commissioners in each county; which three commissioners shall appoint three judges of election in the several precincts of their respective counties; and shall also establish precincts for voting, and cause polis to be opened at such places as they may deem proper in their respective counties; the result of the election to be determined by Mr. Calboun and two other members of the Convention. A marve'lously fair provision for an election, to provide that one of fifty usurpers shall, by his agents, open the polls and conduct the election in such manner and at such places as he shall deem proper! and, finally, with two of his co conspirators, determine the result. A complete device this, for the successful reenactment of election frauds, without a parallel, save in the recent elections in Kansas, held under the same bogus laws which sanctioned this Convention. Still more clearly does it appear that the question is not fairly referred to the people, whether they will have a Constitution with or without Slavery, by the last clause of the seventh section. which is, that although the majority shall vote "Constitution with no Slavery," "the right of property in slaves now in the Territory shall in no manner be interfered with." And to make sure of this, the 9th section of the schedule provides:

"Sgc. 9. Any person offering to vote at the aforesaid election upon said Con titution shall, if challenged, take an oath to support the Constitution of the United States, and to support this Constitution, if adopted, under the penalties of perjury under the Territorial laws."

And to the same effect is the fourtcenth section, which provides:

"Sec. 14. That after the year one thousand eight hundred and sixty-four, whenever the Legislature shall think it necessary to amend, alter, and change this Constitution, they shall recommend to the electors at the next general election, two-thirds of the members of each House concurring, to vo'e for or against calling a Convention; and if it appears that a majority of all the citizens of the State have voted for a Convention, the Legislature shall, at its next regular session, call a Convention, to consist of as many members as there may be in the House of Repre-sentatives at the time, to be chosen in the same manner, at the same places, and by the same electors, that chose the Representatives. Said delegates so elected shall meet within three months after said election, for the pur-pose of revising, um-nding, or chang ug the Constitution; but no alteration shall be made to affect the rights of property in the ownership of slaves."

A fair submission of the question, whether they will have a Constitution with or without Slavery! It is no submission of the Constitution at all. In no event are the people, or any one of them, permitted to vote against the Constitution; they can only vote for the Constitution with Slavery. This is plain; for it is provided, if the people should all vote for the Constitution with no Slavery, yet the right of property in slaves now in the Territory shall in no manner be interfered with; and the only effect, therefore, of such a vote, would be to out off that provision of the instrument which provides for the further importation of slaves into the State. The only question, then, that is submitted to the people is, whether they will prohibit the increase of their slave population by future importations; and before they are permitted to exercise even this privilege, they must, if challenged, submit to the humiliating requirement of taking an oath- a test oath of fealty to their masters, and to their masters' work, to wit: that they will support this Constitution, if adopted. As I have said, its adoption is made sure, for no one can vote against it; all must vote for it, or not vote at all. And as if to add to the humiliation, and sharpen the sting of the judignities thus heaped upon this invaded province of Kansas, the President, with "smooth dissimulation," speaking of the election provided for in the seventh section of the schedule, to be held 21st of last December, says:

"At this election, every citizen will have an opportunity of expressing his opinion by his vote, 'whether Kansas shal be received into the Union with or without Slavery." The election will be held under legitimate acthority; and if any portion of the inhabitants shall refuse
to vote, a fair opportunity to do so having been presented,
this will be their own voluntary act, and they alone will
be responsible for the consequences."

Is it mere partisan heat and partisan zeal, or is it the reckless arrogance of power, that prompts the President thus to speak; thus to falsify the record; thus to insult an outraged people? A legitimate election and a fair opportunity to vote! A dictator determines and chooses the places and the officers of the election, and, with two of his co-conspirators, determines the result of the election; the people can vote only for the Constitution framed and presented to them by these conspirators. They must, if required, swear, upon the pains and penalties of perjury, to support that Constitution when adopted, and by its terms are restricted, and shall in no event be permitted, by alteration or amendment thereof, to "af-"fect the rights of property in the owner-ship of slaves." With the shadow of this great calamity upon them, shedding its dubious twilight over all their habitations, threatening the inauguration in their midst of that anarchy which is fearful in energy and atheistical in creed, frightening their pale-faced villages with war, and profaning their temples and shrines with the blood of murder, they are mocked with the infamous and gratuitous counsel of submission. Submit, submit, says the Presideut, and vote, now that you have a fair op-portunity, for this Constitution, framed by usurpers and tyrants, or be yourselves "alone responsible for the consequences"

Responsible, sir, for what consequences? For the consequences of refusing to submit to Federal dictation and Federal usurpation-respousible for the consequences of provoking, by this act of disobedience, that vengeance which slumbers in the arm of the Federal Executive. Sir, the threat is as weak as it is wicked. millions of the populous North would revolt against the attempt of the Federal Government to arrogate to itself the power expressly reserved to the people—the power to form their own local and Sate institutions. The President himself confesses that the people of Kansas are allowed only to vote for this Constitution; and that, although they should all vote for it with no Slavery, they must, nevertheless, have it with Slavery, and must support it with Slavery; and to excuse this atrocious invasion of the people's rights, the President says:

"Should the Constitution without Starcety be adopted by the voices of the majority, the rights of property in slaves now in the Territory are reserved. The number of there is ever small; but if it were greater, the provision would be equally just and reasonable. These slaves were brought into the Territory under the Constitution of the United States, and are now the property of their masters. This point has at length been fivelified ecided by the highest judicial tributal of the country; and this upon the pain principle, that when a confederacy of covering the principle of the principles of the prin

A most humiliating confession-should the people adopt the Constitution without Slavery, the rights of property in slaves now in the Territory are reserved, and therefore they have a Constitution with Slavery; and this, we are told by the President, "is just and reasonable," be-cause "these slaves were brought into the Territory under the Constitution of the United S:ates," and "are now the property of their masters." It only remains for the President to say that all the people of Kansas are now the property of their masters. In another communication, the President has told the country "tha: Slavery existed in Kansas under the Constirution of the United States:" and now he says "this point has been decided by the highest judicial tribunal;" and yet he says, as if he were demented, "the question has been fairly and expressly referred to the people, whether they will have a Constitution with or without Slavery, and every citizen may express, by his vote, whether Kansas shall be received into the Union with or without Slavery." Surely this cannot be, if Slavery is in Kausas under and by virtue of the Constitution of the United States. Why talk of submitting it to the people, when Slavery is there, not by force of their will, but by force of the Constitution of the United States? Why talk of the people of a Territory excluding that which the Constitution of the United States sanctions and upholds? Can the people of Kansas repeal, by vote or otherwise, the Constitution of the United States? Is it not written on the face of that instrument, "this Constiution shall be the supreme law of the land, the Constitution and laws of any State to the contrary notwithstanding?" If, therefore, men be properly under the Constitution of the Uni-

I States, and by virtue thereof held as property in the Territory of Kansas, it is in vain, and a mockery, to talk of the right of the people of that Territory to exclude Slavery therefrom, or to establish a State Constitution without Slavery; and hence the conclusion of the President upon this hypothesis is logically and severely true-that although the majority of the people of Kansas adopt a Constitution without Slavery, Slavery nevertheless continues in their Territory, and under their Constitution so adopted. And to this complexion has it come at last, that in Kansas it is just and reasonable that the people thereof shall be permitted to vote only for the Constitution framed and submitted to them by usurpers, and only for a Con-stitution with Slavery. And this is popular sovereignty under Democratic rule! I shall not join in this libel upon the Constitution of my conntry, that Slavery exists in Kansas or anywhere else under or by virtne of that sacred instrument. I know that one of its immortal authors, sometimes called the Father of the Constitution, said "that it would be wrong to admit in the Constitution that there could be property in men." I know that he whose dust sleeps in its quiet tomb on the banks of the beautiful Potomac, he who is sometimes called the Father of his Country, has said that the Con stitution "is perfectly free in its principles." I know that it declares upon its face that no person, whether white or black, shall be deprived of life, liberty, or property, without dne process of law; and that it was ordained by the people to establish justice! I know that, by a law made under and pursuant to that Constitution. the traffic in men upon the high seas, under onr flag, is a crime, punishable with death. Can it be that this traffic, which, upon the seas, by the law of the Constitution, is piracy, worthy of death, and punishable with death, is upon land a right, a sacred right, sanctioned by the Constitution, and not to be restricted or interfered with by the fundamental law of any State in this Union? If this be so, tyrants may call the roll of their slaves on Bunker Hill, and upon the very grave which holds the hallowed dust of the first great martyr in the cause of our own American Liberty.

Such, sir, is not the Constitution of the United States. That instrument guaranties Liberty, not Slavery; justice, not injustice; a Republican Government, resting upon the consent and upholding the inborn rights of the governed, not a despotsm or an oligarchy, fastened upon the people by brute force, and upheld by brute force. The Constitution of the United States limits the sovereignty of the people in the formation of State Constitutions to this extent, that their Constitution must be republican, that it must not impair, but sustain and secure,

the universal and imprescriptible rights of life, liberty, and property. When the people of the Territories frame such Constitutions, Congress may admit them into the Union. That Congress is the final arbiter on the question of the formation of new States within our Territories is clear; for unless the Constitution framed by the people of a Territory be affirmed and approved by Congress, no State is organized, and the Constitution so framed does not become law. Your Kansas Nebraska act recognises this principle to the fullest extent. It declares that the people of the Territory are Left "perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

Who is to judge whether the institutions formed by the people of a Territory conform to the Constitution of the United States? Manifestly Congress, inasmuch as Congress alone can admit or reject the proposed State. It is the right of the people of a Territory to form a republican Constitution, which in its provisions does not contravene natural justice or the snpreme law of the land; and when they, having sufficient numbers to sustain a State Government, do frame such a Constitution, it is the duty of Congress to admit them under it into the Union. No higher or more important duty than the admission of new States into the Union is imposed upon the Congress of the United States. If, therefore, the Lecompton Constitution had emanated from the people of Kansas; if it had been the expression of their will; if it had been republican, and not inconsistent with or repugnant to the Constitution of the United States, it would have been clearly our duty to have approved it, and to have given to it the authority of law, by admitting Kansas under it into the Union as a State.

I have already said, and it has been conceded on this floor, that this Constitution does not emanate from the people of Kansas, and does not express their will. For that reason, it is our duty to reject it; but if the whole peop'e of Kansas had solemnly ratified and adopted this instrument, at either of their recent elections, I affirm that it would still be our duty to reject it. It would be our duty to reject it, because it contravenes the plainest principles of the Constitution of the United States; because it legalizes the wanton and continued violation of the rights of life and liberty and property; because it is a Constitution not fit to be made, and such as no people or State can of right make; because it is a Constitution which could only originate in a base conspiracy against the liberties of the country and the sacred rights of hnman nature. Consider this! What do we sanction by affirming this Lecompton Constitution? First, the wild and guilty fantasy of property in man; the coarse and brntal atrocity of merchandise in human souls. section of the seventh article contains these words: "The right of property * * * to a slave and its increase is * * * before and higher than any constitutional sanction."

The American Congress to sanction this! The American Congress to declare that the right to hold men, women, and children, as property, and to sell them as chattels, is inviolable, and before and higher than any constitu

tional sanction!

I snbmit, if by any fiction you can convert a child into property, it is a fact before and higher than any human law or Constitution, that the property of the child is in its parents, to the exclusion of the stranger. By enacting this Lecompton Constitution, you would reverse this great fact of nature, or rather violate this right of nature, and declare it lawful to steal from the parent his child. If you will by law degrade one portion of the human family into chattels, for God's sake do not by law reduce another portion to the still lower level of thieves. After you shall have enacted your statute, will not the law of the stone table still stand, "Thou shalt not steal?" After you shall have enacted your statute, declaring it lawful to send little children to the auction block for sale, will they not still be as sacred, whether an African or an Indian, a European or an American sun first burned upon them, as they were in that day when the Nazarene, whose intense holiness shed majesty over the manger and the straw, said: "Suffer little children, and forbid them not to come unto me, for of such is the kingdom of heaven?"

In keeping, sir, with the atrocions provision of this Lecompton Constitution, declaring property in man, is the further provision, which declares "that all FREEMEN, when they form a social compact, are equal in rights." By adopting this, we are asked to say, that the self-evident truth of the Declaration, that "ALL MEN ARE CREATED EQUAL," is a self-evident lie; a glittering generality; a rhetorical flourish, unconstitutional and undemocratic; that the self-evident truth now in these latter days is, that men are not created, but, like Topsy, they grow; and THEY are equal in rights only "when they are free, and form a social compact." Allow me to ask the advocates and supporters of this Lecompton bill of rights-this new declaration of self-evident truths-what rights men have before they are free, and before they form a social compact? Are they then, by endowment of their Creator, possessed of the rights of life and liberty? Or, outside of your social compact, is there an inferior class of human beings, "who," as the majority of the Supreme Court said in the Dred Scott decision, "have no RIGHTS or privileges but such as those who hold the power and Govern-

ment may choose to grant them?" This the precise principle, the bald and ather averment, of this Lecompton Constitution; we, by affirming it, are only to become avowed upholders of the stupendous lie, one class of men have no rights which and are bound to respect; and hence, the pa and exclusive provision of this instrument,

"That no freeman shall be taken, or imprisor disseized of his freehold, liberites, or privilege outlawed, or exited, or in any manner destroyed of prived of his life, liberty, or property, but by the ment of his peers or the law of the land."

"No FREEMAN:" the words of necessity port that any person not a freeman, any slav any human chattel, may be taken and prisoned, disseized of his freehold, liberties, privileges, outlawed, exiled, and murd without the judgment of his peers, and wit the protection of law. That this instru: may want in no feature of horrid crnelty. farther therein provided, that "free neg shall not be permitted to live in this State u any circumstances." Sir, they are mere " ionary theorists" who suppose that this ? was not made for Cæsar, but for man-th belongs only to the common Father of all, a is for the use and sustenance of all his chile By our of affirmance of this instrument are to say to certain human beings in the ritory of Kansas, though you were born in Territory, and born of free parents, though ; are human beings, and no chattels, yet you not free to live here upon your native he you must be disseized of your freehold, libe and privileges, without the judgment of peers and without the protection of law. Them, born here, you shall not, under any cir stances, be permitted to live here. You snffer exile or death-you cannot and shal live here. That sky which you first saw. to which weary men look up for hope and solation-that beautiful sky which bends a your humble home like the arms of benefic clasping in its embrace the evil and the the just and the unjust-that sky was not i for you; you shall not live under it. This this goodly land, with its fertile fields, and waters, and rustic homes, where you first ! ed to lisp the hallowed name of father, s brother, and where sleeps in humble hope sacred dust of your poor dead mother-this was not made for you; you shall not, u any circumstances, be permitted to live it; go hence, never more to return : that i law. Representatives! will you give to proposed atrocity your official sauction? Ar upon your oaths, to your conscience, to country, and to your God!

[Here the hammer fell.]

01

HON. E. M. CHAMBERLAIN,

OF INDIANA.

AGAINST

THE REPEAL OF THE MISSOURI COMPROMISE ACT;

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

MONDAY, MARCH 13, 1854.

WASHINGTON:
PRINTED BY A. O. P. NICHOLSON.
1854.

anon Fd Briggs

SPEECH.

The House being in the Committee of the Whole on the state of the Union-

Mr. CHAMBERLAIN said: Mr. Chairman, it is now more than three months since this, the first session of the thirty-third Congress, convened. Assembled here from every portion of our wide-spread Union, the representatives of a people unparalleled for their prosperity and happiness, we brought with us all those feelings of devotion to that Union, and sentiments of harmony and mutual respect, which so happily everywhere prevailed.

The great principles on which the true happiness and glory of our beloved country depend had just consummated a triumph, in the inauguration of that man of the people, Franklin Pierce, without a precedent in the political history of the country. The spirit of compromise on which, in the nature of things, our republic was founded, and must depend for its perpetuity, vindicated in that very triumph the sincerity

of our devotion to those principles.

The Missouri compromise, which cast its oil upon the troubled waters of 1820, had quieted "forever" all agitation of the slavery question throughout the residue of the Louisiana purchase, and the spirit of patriotism and peace, in which it had its origin, had again been successfully invoked, in 1850, in behalf of a newly acquired empire of territory; we were cultivating those sentiments of mutual respect, alike grateful to our feelings, honorable to human nature, and indispensable to the proper discharge of our responsible duties as the representatives of this mighty brotherhood of sovereign States.

Thus our session began; and thus, until recently, it has continued. Sir, it is with no feigned emotion that I ask, what has so suddenly and so sadly marred this most auspicious beginning? Who among us could we have deemed so mad as to have anticipated the fearful change which has been wrought; and, worse than this, sir, to have courted its fearful responsibilities? The "croaking" of northern fanaticism had ceased; the retort of threatened vengeance from the South had also ceased to pain the public ear, and all disturbing apprehensions had subsided into general repose.

But suddenly, sir, as if startled by the midnight war-whoop, the public ear is once more bent this way, listening, in almost breathless consternation, at the angry din which is once more disturbing our deliberations.

And why is it so? Why has this scene so changed? Why now these angry brows? Why this language of denunciation and defiance, as if the very demons of pandemonium had usurped these halls? Sir, I answer: Why? it is because of this threatened wrong and outrage to measures involving our most cherished recollections of the past, and hopes for the future. At least I answer for myself, if none other. I love my country, and cherish all its institutions. I love the constitution and all its compromises. And, dearer than the preservation of life, do I regard the preservation of all the rights it guaranties. I stop not here to inquire into the morality of the institution of negro slavery—that is a question settled by our immortal ancestors. It is enough for me to know that the constitution recognises its existence; and further, that without such recognition that constitution itself could never have existed.

But here, sir, is my ground, as enduring and impregnable as the eternal principles of truth and justice, which illume and consecrate the pages of that sacred record.

I have said that the constitution recognised the existence of slavery. It did not establish it. It only provided for the protection of existing rights—the rights of the owners of property in slaves, on territory where it existed, whether that territory was organized or unorganized States; but never for its extension upon free territory, except by virtue of express legal enactments. This interpretation of the constitution is not debatable ground. It has ever been so uniformly acquiesced in, that it is not seriously a mooted question.

There is a difference between property in slaves and other chattel property. The very fact of the necessary recognition of such property by the constitution itself, by the clearest implication, establishes that distinction; and every law that has ever been passed upon the subject since the foundation of the government is an express recognition of the truth of this conclusion. Well, then, the extension of slavery upon free territory is not a question of right; and it matters not whether such territory has always been free, or the result of compromise—it has been made so by express legislative enactments. In either case, and equally in either, it can only be thus extended by express legislation. Here, then, is the issue before us.

Nebraska is now tree; you demand of us that, by express legislation, we shall remove all barriers to the extension of slavery over that territory now while it is territory, and subject in that respect, as well as in all others, to our legislation. Is this expedient? That is the question, and the only question. I repeat, it is not one of right. No, sir, no; it is not expedient. We have been told that the mere repeal of the Missouri prohibition is not virtual legislation for the admission of slavery there. Then what do you ask? That territory, once slave, is free by virtue of that prohibition alone? What is the converse of this proposition? It is this: Remove that prohibition, and it is slave again. If this is not so, then again, sir, I demand what do you ask? Has all this tempest of excitement, which is this moment agitating a continent, been raised about a mere shadow, or so much moonshine? Sir, I am not so credulous of the gullibility of the South. If this is not the meaning of the last clause of the fourteenth section of the original bill, what does it mean? Here it is:

"That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States; except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March six, eighteen hundred and twenty, which was superseded by the principles of the legislation of eighteen hundred and fifty, commonly called the compromise measures, and is hereby declared inoperative."

The gentleman from Virginia [Mr. SMITH] more than deprecates—he denounces—the thought that representatives from the North should "skulk" behind their constituents upon this question. Well, sir, if "skulking" is the word, and this is not a sufficiently explicit repeal of the Missouri compromise act, let us have it so. Now is the time, sir. And if the repeal of that act does not admit slavery, and thereby legislate it into the Territory, and if that is what the South demand, and if it be true that we are now settling these vexed questions "forever," and if "forever" means "forever," let us have that so, too. Let us have no more "skulking" behind ambiguities. I call upon the gentleman from North Carolina [Mr. Kerr] now to answer me here, that it may go upon the record before the people, whether it is not the end you ain at, in the proposed legislation, to be permitted to go into Nebraska with your slaves? To this question I ask a categorical answer, yes or no and then we will see who stands fire.

Mr. KERR. The object aimed at is to get clear of the unjust and unequal principles which Congress has heretofore been acting upon for the oppression of the South.

Mr. CHAMBERLAIN. Very well. "The object is to get clear of

the unjust and unequal principles which Congress has heretofore been acting upon for the oppression of the South." That is, to "get clear" of the effect of the Missouri compromise restriction, which excludes slavery from Nebraska. What conclusion follows? This, of course—that you may be permitted to go there with your slaves.

Let us have no occasion hereafter to mar this beautiful piece of patch-work, by the insertion of ugly explanatory provisions, like the following explanation of an explanation to the bill reported from the Senate, which, to my dull apprehension, only leaves confusion worse

confounded:

"It being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form are regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

Let us now explain this explanation of an explanation by adding the following:

"It being the true intent and meaning of all these explanations, that the Missouri restrictions being thus 'superseded' by the principles of the legislation of 1850, and being thereby rendered 'inoperative and void,' slavery is therefore admitted into Nebraska without further legislation, if the people see fit to go there with their slaves." Or let us more honestly avoid all this circumlocution, and by two steps come square up to the mark, and in two words do the same thing, by duclaring, first, that the Missouri restriction is repealed; and, second, that slavery is admitted into Nebraska.

But, sir, it seems that those who have so long and so stoutly resisted this conclusion have at length become convinced of its truth; for we are now told that the whole objection has been removed by another grand and final explanation, as follows:

"Provided, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the 6th of March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

Who speaks here—the people of the Territory, or Congress? Well, if this is a practical specimen of this great doctrine of "non-interventon by Congress," it only needs that Congress, the moment this bill passes, shall speak again, and simply recognise the existence of slavery there.

If you propose to make slave territory of free, do so now, and away with all mental reservations, and their mischievous delusion. While, the face of all your professions, you are legislating upon this subject to the sacrifice of one of the most sacred rights of the North, let your

acts at least have the merit of honesty and boldness. If you do not propose to make slave territory of free, then carry out your doctrine of "non-intervention," and let the Missouri compromise alone.

But, sir, whatever you may make of this African side of this picture, whether black or white, there is one feature upon the other side of it which, in the name of everything democracy ever held dear, I do most solemnly protest against. I protest against the "native American" feature of it. Yes, sir, I do protest against your legislating negro slaves into this Territory, and legislating Dutch and Irish emigrants out of it. You dare not pass this bill, mutilated, as it now is, by this shameful disfranchisement of that most useful and worthy portion of our people. Let us see how it reads. Listen to this proviso:

" Provided, That the right of suffrage and holding office shall be exercised only by citizens of the United States."

I have heard provisoes called infamous; but I hope American democracy has not so degenerated, that infamy like this has become a fundamental principle of its creed.

I now propose, Mr. Chairman, to inquire how it is that "the eighth section of the act preparatory to the admission of Missouri into the Union has been superseded by the principles of the legislation of 1850, commonly called the compromise measures?"

I believe, sir, there were at one time bundled into the same omnibus five at least of these measures. But the same measures were subsesequently separately considered and adopted.

Now, sir, let us gather together this interesting family of fratricides and group them around their impaled brother, which it seems that in villanous conspiracy they have so long been "after with sharp sticks."

Here, gentlemen, I introduce you to the melancholy remains of the famous eighth section of the act preparatory to the admission of Missouri into the Union:

"SEC. 8. And be it further enacted, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36° 30' north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: Provided always, That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his labor or service as aforesaid."

Now, sir, let us see "who killed Cock Robin."

First. Let us arraign the fugitive slave law. The sixth section of this act commences as follows:

*And be it further enacted, That when a person held to service or labor in any State or Territory of the United States has heretofore, or shall hereafter, escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized by power of attorney in writing, asknowledged and certified under the seal of some legal officer or court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person," &c.

Well, sir, I believe this does "supersede" the fugitive slave branch of the aforesaid famous eighth section. But another question arises: Is there anything in that eighth section "inconsistent with the principles of this legislation?" No; clearly not.

Second. Let us look at the "act to suppress the slave trade in the District of Columbia."

This act simply provides, in two short sections, for what is embraced in its title. I see nothing there with which the Missouri compromise is "inconsistent," or by which it is "superseded."

Third. "The act for the admission of the State of California into the Union" is the best possible illustration of the duties of Congress upon this subject. Congress, after declaring that the constitution which she presents "is found to be republican in its form and government," by three short sections simply admits her "into the Union on an equal footing with the original States in all respects whatever," without asking a question or saying a word upon the subject of slavery one way or the other.

Fourth. "The act to establish a territorial government for Utah" merely contains the usual provisions upon that subject, with the additional declaration that, "when admitted as a State, said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission."

To this privilege she has a right, irrespective of this legislation of Congress on the subject. This act, then, surely embraces no "principle" by which the Missouri restriction could be "superseded," for the people of Nebraska have the same undoubted right, when they frame a constitution, to ask for admission into the Union with or without slavery, as they themselves may decide, when thus assuming their position in the Union as a sovereign State.

Fifth. Last of all, then, though not least of these five famous "compromise measures of 1850," let us see how much "inconsistency" there is between this compromise of 1820 and the "act proposing to the State of Texas the establishment of her northern and western boundaries, and the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico."

Now, Mr. Chairman, it does seem to me that any ingenuous mind must be struck with amazement when, on comparing the Missouri compromise of 1820 with the express provisions of this, one of the most important of all the "compromise measures of 1850," we find those very declarations of the measure now pending before this Congress, which embraces this whole controversy, directly contradicted by the record. This act of 1850, both by the clearest implication of one of its provisions and the express language of another, so far from regarding the eighth section of the act of 1820 as either "superseded by" or "being inconsistent" with the principles it enunciates, recognises its force and validity.

What, I ask, is the necessary inference to be drawn from the following provisions of its seventeenth section:

"That the constitution, and all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of New Mexico as elsewhere in the United States."

Surely the Missouri compromise act, being in full force, if not locally inapplicable, is embraced in this provision. If locally inapplicable, then no less surely it was neither "superseded" nor affected by it.

Well, now, look at this proviso in the first section:

"Provided, That nothing herein contained shall be construed to impair or qualify AKYTHING contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas, or otherwise."

And what do we find in this "third article of the second section of the joint resolution for annexing Texas?" Why, sir, we there find, in the following language, the recognition of the Missouri compromise line itself in express terms:

"In such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude, except for crime, shall be prohibited."

Now, sir, with this record before us, I would ask if effrontery is not a mild term to apply to the persistence we witness around us in such monstrous absurdities as these?

Do you believe, Mr. Chairman, does any body believe, in view of this record, that the Missouri compromise is virtually repealed, or "superseded by," or is "inconsistent with," the principles of these compromise measures of 1850? I am well aware that there is somewhat extensively adopted a short process of reasoning to this construction; and in support of this process very high authority is referred to.

It is said that Judge Douglas is of that opinion. Very high authority, I admit. But while I grant you, sir, that these conclusions are

quoted from Senator Douglas at the senatorial tribune, yet, in the light of this record spread out before me, I must confess myself given over to judicial blindness if Judge Douglas, in the judicial forum, would hazard his high reputation as a lawyer by entertaining such an absurdity for a moment.

But, sir, as if to persuade us, when we cannot be driven from the consistency of our course, an appeal is made to our magnanimity.

I venerate men who are truly magnanimous, for all such men are heroes. These are the men who lay down their lives when duty demands the sacrifice. I, for one, however, cannot sacrifice a sacred trust which my constituents have reposed in me. At this point, sir, magnanimity degenerates into treason.

We are called on now to yield up the Missouri compromise line of 1820, because, as the gentleman from Georgia [Mr. Stephens] and from North Carolina [Mr. Kerr] allege, the North refused to acquiesce in that proposed in 1848. And this they call justice. Sir, as a full answer to this appeal for myself, and for the North, I ask these gentlemen to tell me, when has the democracy of the North ever demanded of the South to yield up one of her rights? Never! never!

Shall I be told that this Missouri compromise is a case in point? Why, sir, the South claimed this as a signal victory. And in the very moment of exultant triumph, Charles Pinckney, it seems, heralded it to a friend from this very hall on the 2d March, 1820, at three o'clock at night:

Congress Hall, March 2, 1820, 3 o'clock at night.

*Dear Sin: I hasten to inform you that this moment we have carried the question to admit Missouri, and all Louisiana to the southward of 30° 30′, free of the restriction of slavery, and give the South, in a short time, an addition of six, and perhaps eight, members to the Senate of the United States. It is considered here by the slaveholding States as a great triumph. The votes were close—minety to eighty-six, [the vote was so first declared]—produced by the seceding and absence of a few moderate men from the North. To the north of 36° 30′ there is to be, by the presentlaw, restriction, which you will see, by the votes, I voted against. But it is at present of no moment; it is a vast tract, inhabited only by savages and wild beasts, in which not a foot of the Indian claim to soil is extinguished, and in which, according to the ideas prevalent, no land office will be open for a great length of time.

With respect, your obedient servant,

CHARLES PINCKNEY.

I had intended, Mr. Chairman, to have gone somewhat at length into a review of the course of the Democratic party, since the adoption of the compromise measures of 1850, both as shown by their action in Congress, and in every convention, both State and national, from that day to this, in order to sustain myself in the very position I occupy upon this question, by showing how entirely uniform they have been

in their efforts, first, to sanctify these measures "as a final adjustment, and a permanent settlement of the questions therein embraced;" and, secondly, to quiet "the agitation of the slavery question under whatever shape or color the attempt may be made." But my time admonishes me that I must content myself with a brief reference to this record.

I simply refer to the language of rebuke to this whole scheme of agitation—for it deserves no better name—in which the first resolution was couched adopted by Congress in 1852. That resolution, originally introduced, in substance, by honorable Graham N. Fitch, representative from my own (then) district, is in the following words:

"Resolved, That we recognise the binding efficacy of the compromises of the constitution, and believe it to be the intention of the people generally, as we hereby declare it to be ours individually, to abido such compromises, and to sustain the laws necessary to carry them out, the provisions for the delivery of fugitive slaves, and the act of the last Congress for that purpose, included: and that we deprecate all further agitation of questions growing out of that provision, of the questions embraced in the acts of the last Congress known as the Compromise, and of questions generally connected with the institution of slavery, as unnecessary, useless, and dangerous."

The other resolution, as the most significant reprobation which could be expressed of this wanton reopening of the "final adjustment and permanent settlement" of the slavery question, adopted at the same time, is as follows:

"Resolved, That the series of acts passed during the first session of the Thirty-first Congress, known as the Compromise, are regarded as a final adjustment and a permanent settlement of the questions therein embraced, and should be maintained and executed as such."

The Hon. Judge Hillyer, and the Hon. Mr. Jackson, both, I believe, from Georgia, were, as the records show, mainly instrumental in the final adoption of these resolutions.

And now, sir, from whose lips have we heard more thrilling appeals in this work of "agitation" in these very resolutions so pointedly rebuked, than from the gentleman who the other day addressed us, from Georgia? (Mr. Stephens, whig.)

Let us now turn, briefly, to the proceedings of the Democratic National Convention of June, 1852. That convention "renewed and reasserted the declaration of principles avowed on former occasions in general conventions." The following is the ninth and last of the series:

"9. That Congress has no power, under the constitution, to interfere with, or control, the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs not prohibited by the constitution; that all efforts of the abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the nost alarming and dangerous consequences; and that all such efforts have an inevitable tendency to di-

minish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions."

By the following resolutions, that convention expressed its opinion of the scope and meaning of the above proposition, its applicability to the principles of the compromise measures of 1850, and also of "the whole subject of slavery agitation in Congress or out of it:"

"4. Resolved, That the foregoing proposition covers, and was intended to embrace, the whole subject of slavery agitation in Congress; and, therefore, the Democratic party of the Union, standing on this national platform, will abide by, and adhere to, a faithful execution of the acts known as the compromise measures settled by the last Congress, 'the act for reclaiming fugitives from service or labor' included; which act, being designed to carry out an express provision of the constitution, cannot, with fidelity thereto, be repealed or so changed as to destroy or impair its efficiency.

"5. Resolved, That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

Mr. Chairman, it seems pretty clear to my mind, from these resolutions, that in the opinion of that covention there were "others" besides abolitionists who needed admonition on this subject of "slavery agitation, both in Congress and out of it." I commend this admonition, as well as the candid consideration of its applicability, to some of our prominent democratic brethren, in both this and the other wing of the Capitol. I trust, sir, I shall be pardoned for a brief reference here to my own course.

I believe, sir, my democracy has never been honestly called in question by any man who knew anything about it; and, certainly, those who are ignorant of my course have little right to judge me in the premises. Be this, however, as it may, the world pays but very little respect to the judgment either of the ignorant or of defamers. At any rate, I give myself very little trouble about it.

The foregoing proposition, covering substantially the ground of the democratic platform of 1852, is identical, if my recollection is not at fault, with that adopted in precisely the same connection by the convention of 1844. I was a member of that convention, and represented Indiana on the committee of one from each State which draughted and reported the resolutions. There, sir, at Baltimore, for the first time that I ever set foot upon slave soil, I cordially, nay, sir, ardently, supported a slaveholder as the democratic candidate for the Presidency, and as cordially and ardently contributed my mite to the triumph of that year. The first vote I ever gave at a presidential election was given for a slaveholder—proud of the privilege of twice voting for Andrew Jackson—first in Maine, and then in Indiana. Sir, I hope the

South will afford me the pleasure of joining them in the election of many more such men.

I pass by with loathing all other reference to the name of Martin Van Buren, than to express a hope of pardon for the two campaigns I served in sustaining him, in the name of the principles he finally betrayed.

In 1843 I gave three months to the contest, which that year partially, at least, redeemed Indiana from "the disasters of 1840."

In 1848, as one of the electors at large for General Cass, I canvassed the State to its farthest borders; and though I would not upbraid the South or the Empire State, yet, to the honor of Indiana I say it, had they been as true as she to the principles of this self-same platform, General Cass would have been elected.

In 1852, when catechised upon the stump by abolitionists in relation to the fugitive slave law, I gave but one answer throughout the tenth congressional district—that "I went for Frank Pierce and the Platform."

And now, sir, let epithets and denunciations be bandied as they may, I have but this one answer: judge me by my works.

And here I take my stand. I tell you here to-day that I will abandon neither of two things: I will neither abandon nor abate one hair's breadth of my democratic principles, nor forfeit my honor in the abandonment of my plighted faith to the Missouri compromise.

Mr. Chairman, you now have both my position and reasons for it more than sufficient. But I cannot let the occasion pass without once more expressing my profound regret that this mischief has been brought upon us and the country. I deprecate it from my inmost soul.

If we persist in this course, in vain will have been all the lessons of our past experience, which should have been so instructive; in vain the admonition of those sages and statesmen, who now speaking from their graves, warn us of the dangers of sectional strife. And the worst enemy of our country could not imprecate upon us the displeasure of Heaven in more frightful judgments than those which must inevitably follow as the consequences of our course. What means the exultation which we already hear, that the South is united upon this question? We expect the South to be united upon this question. Though the South has not asked it, yet, as it has been tendered to them, I have no difficulty whatever in fully appreciating the entire sincerity and confidence with which the gentleman from North Carolina, [Mr. Kerr, a whig,] the other day, made his appeal to the South in behalf of united action from that quarter, without distinction of party; for I understand

him to have entertained no doubt whatever that the bill opens the whole

vast region which it covers to slavery.

It is true, sir, he admitted a doubt whether nature herself, the climate of the region, had not interposed a higher law, a more potent barrier to the introduction of slavery there, than the Missouri compromise law; and that, practically, it would be little more than a mere question of right; that slaveholders would hardly think of doing more than to take a few slaves with them for domestic servants, on the ground that slave labor generally could not be profitably introduced there.

Now, sir, this is honest. It scouts all feigned issues, all mental reservations, all false pretexts, and admits the true end aimed at—the right to introduce slavery into the Territory by virtue of the legislation now

proposed.

But, sir, a passing word upon the point here made, that it is not so much a practical question as one of right—involving, in other words, a mere abstraction. The gentleman assures us, in language of decided emphasis, that the South will never abandon its rights. Sir, while I admire both the spirit and the heroism of that determination, I cannot forbear to answer, with equal emphasis, that it has no application whatever to the question before us.

Who asks the South to abandon its rights? Sir, I, for one, so far from doing so, stand ready, now and ever, to defend her rights to the utmost.

The South called upon to abandon her rights! Why, Mr. Chairman, precisely the reverse is the fact. It is the rights of the North which are in jeopardy. If it is but a question of principle, it is the North which is called upon to abandon that principle.

That Nebraska is now free, is a fact which has been settled and acquiesced in by the uniform legislation of thirty-four years. And whether incorporated into the same act or not, this was the consideration on the part of the North, for the solemn compromise entered into between the North and the South, as one of the express conditions on which Missouri, as a slave State, was admitted into the Union. And though, sir, at this day, I would not insist under like circumstances upon such terms, as a new proposition, it is no less the fact, that even in that adjustment the South claimed it as a triumph. Who, then, is now called upon to abandon rights? The North, sir; beyond all doubt, the North. And what do we propose in this emergency? Simply, sir, to abide by the constitution, in its spirit and letter; to abide by all the compromises upon this subject which that spirit has invoked; to abide by the Missouri compromise of 1820; to abide by the compromises of

1850; to abide by the Democratic platform of 1852, and in so doing to carry out in good faith the solemn injunctions of that platform, "to resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

And is there to be no faith reposed in compromises? Is there no obligatory duty imposed by Democratic platforms? Sir, I denounce these repealing clauses in this bill as a deliberate and wicked violation of both.

The Missouri compromise has been sanctioned and sanctified by the uniform legislation of Congress, and the conscientious acquiescence—not of factions, but of the people—for thirty-four years. Its policy has been thus sanctified ever since the foundation of the government, for it is a policy coeval with that of the constitution itself. And if it is not as sacred as the constitution itself, it is only because it lacks its mere formal sanctions. It is the offspring of the same self-sacrificing spirit which offered up everything but honor and integrity upon the altar of the Union. That spirit, sir, alike pervaded the halls where the glorious old Continental Congress held its last sessions, and those where the constitution and all its compromises were ushered into being.

The Jeffersonian policy (as it should be called) of the proviso, or compromise of 1787, was but a virtual transcript, a practical application of the then theory of the constitution to the ordinance which gave the whole Northwest Territory—an empire itself—to freedom.

Here, sir, after lying in embryo three years, this great measure was brought into life, quietly, in its ultimate practical influences disposing of the whole slavery question over this vast region, out of which five of the largest and most prosperous States of this Union have been erected. And it matters not by whom, or when, or where it may have been applied, the same great mind conceived it which conceived the Declaration of Independence. And was Thomas Jefferson an abolitionist, in the hateful sense in which that word is bandied now-a-days? Shade of Patrick Henry, and all the host of his immortal compeers, forbid such desecration of his name!

Sir, are we to be told, after all, that this policy, thus sanctified, is all a cheat? That statesmen who have learned their principles in the schools of the last three-quarters of a century, have been but so many children playing bo-peep and blind-man's buff?

Let us now look at the great end which, as its advocates declare, is to be attained by the adoption of this measure. There is much apparent sineerity in the zeal with which it is asserted that, by denying the right to the people of the Territory to dispose of this whole question by a government of their own choice, we make their condition analogous to that of our colonial ancestors, and against which they rebelled; and that this view of the case involves a great principle, which every American citizen holds sacred; and, further, that by conferring upon them this power, we adopt the only practicable mode of allaying, finally and effectually, all further agitation of the slavery question. But, sir, the idea that this bill confers this right, even as now amended, is all a delusion; it is utterly fallacious from beginning to end.

Mr. Chairman, in answer to all this, I will now proceed to show, by the other express provisions of the bill itself, that, even if we adopt this measure, we after all deny these people almost every attribute of sovereignty, and multiply the chances for agitation and excitement a thousand fold.

There are three, and only three, departments of government recognised by our American constitution—the executive, the judicial, and the legislative. In two of these departments of the government you propose to create by this bill, you as effectually deprive the people of all participation in the appointment of their officers, as you do the very slaves you send among them. Both the executive and judicial departments you dispose of, and make the officers (which in the States we call the servants of the people) the mere creatures of the executive power of the United States, by provisions like the following. The twelfth section of the bill commences thus:

"And be it further enacted, That the governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be nominated, and by and with the advice and consent of the Senate appointed, by the President of the United States."

And how is it with the "legislative power of the Territory?" It is true you confer upon the people the mere shadow of sovereignty, in the election of the members of the legislative assembly, and upon that assembly the mere form of legislative power; but then, at one fell swoop, you deprive both of them of the very soul and substance of both, by subjecting all their acts to the veto of the executive, and the determination of the judiciary thus appointed.

Talk now, will you, of its "being the intent and meaning of this act, not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way!"

Mockery! worse than mockery! And is this the grand panacea you propose for slavery agitation? Let us see how it will operate. Sir,

there is no longer any faith in compromises. If by this act we repeal, the Missouri compromise, the Congress which succeeds us may follow our example and repeal this act. Then, again, every Territorial bill that is introduced will call up a rehearsal of the scenes now being enacted here. Furthermore, under the provisions of this bill, this mock legislative assembly will, of course, play legislation, and try their hand at the adjustment of this question, subject to the veto, not of Congress, but of the President's vicegerent.

But, sir, before you reach this point, you carry the bitter waters of strife to every man's door; yes, even within the sacred precincts of his fireside.

The proposition that freedom and slavery upon the same territory are incompatible needs no illustration. They cannot exist together. The very moment the subject is agitated among the people there necessarily commences a war of extermination. You poison at their very sources the fountains of peace. Agitation, discord, strife, commenced among neighbors, will be carried to the ballot-box, to the courts of justice, and to the legislative assembly. And here, before the legislative assembly, the imagination falters in the effort to depict the scenes which will ensue; for here, sir, is the arena of life and death. Every measure they propose, (for I have shown you that they are not "left perfectly free to form and regulate their domestic institutions in their own way,") but every measure they propose upon this subject, must be either for or against slavery. And if even one assembly proposes slavery measures, the next, after another year of excitement, may propose to repeal it.

Well, Mr. Chairman, we have not yet reached the climax of evils which spring like hydra-heads from this measure at every step of our

progress.

Ultimately, sir, in each of the Territories thus given over to excitement and distraction the people will take measures to form a constitution; then again will be witnessed another accumulation of the elements of discord. For here comes the tug of war. A constitution is to be formed, either admitting or excluding slavery; for here there must be a final settlement of the question, so far as the particular Territory is concerned. What, then, if a majority, especially a small majority, adopt a constitution excluding slavery? What will slave-holders do then in the Territory with their slave property, in view of the inevitable sacrifices they must suffer? Why, then once more the tocsin will be sounded, and the welkin will ring again with this howling tempest of slavery agitation throughout the Union. Nor is this the last or the worst of it. Once more sage Congressmen will find it will return to plague them; when the constitution is presented here for the action

of Congress, and all this concentrated strife is once more transferred to these Halls, the imagination again fails in all its efforts to depict the scenes that will ensue.

Mr. Chairman, I sincerely wish that it could be justly said that these pictures are overdrawn; but this is only a faint portrayal of the evils

you inflict upon the country if you adopt this measure.

Why need you do so? Why not conform your practice to your preaching, and let this thing alone? Conform your actions as well as your professions to "the principles of the legislation of 1850, commonly called the compromise measures," which you have already done in the first section of this bill, by providing now for Nebraska, as you did then for New Mexico, that "when admitted as a State, said Territory shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission;" and then leave the people free to act as they please upon this question, when they can act to some purpose in the incipient exercise of their sovereign power under the constitution. But, no; this is not enough. In the exuberance of your generosity you must needs surfeit the people of the Territories with your gifts. And such gifts! You afflict them, sir, with a multitude of evils. In giving this measure to the Territories for the people, you give them identically what Jupiter gave Pandora for her husband. I beg of you not to afflict them thus against their will. At least, sir, defer it until, by another election, they may have an opportunity of signifying to you, through the ballot-box, whether they covet the gift.

At the moment of the introduction of this measure, I believe I hazard nothing in saying that there was a majority here truly reflecting the sentiments of their constituents upon the subject in their opposition to it; and I take it for granted that none will falter at any appliances which may have been used, as if to dragoon the timid into its support. For my part, I shall stand by all the compromises until my constituents, by instructions on the subject, inform me that I have mistaken their

sentiments.

Mr. Chairman, there is a worse form of slavery than negro slavery. Here the shackles are riveted upon the mortal body, on whose perishing exterior the iron, hissing hot, it is true, burns the word slave. But the other, more terrible than this, is the slavery of the soul, where men dare have no opinions of their own. There the manacles are thrown around the immortal soul; and there, too, slave is branded with the more dreadful sting of that fire which is not quenched.

Sir, I had rather be the blackest slave that ever clanked his chains

than one of these.

This measure may pass; but Indiana, whose devotion to the Union, the whole Union, is aptly inscribed upon the enduring marble which she has given as her offering to the monument of the Father of his Country, and needs no complimentary endorsement here, Indiana should stand—if she stands alone—firm in her integrity to the compromises, and thus most appropriately vindicate her justice both to the North and South; and thus also her devotion to the Union.

Mr. Chairman, I do not stand here either to apologize for or deprecate slavery. In that indefinite variety which constitutes the true harmony of this Union, as well as the universe, these two extreme sentiments have their more appropriate representatives on this floor.

Touch whatever chord you may, in all the diversity of questions which agitate the moral or political atmosphere around us, and it vibrates in full harmony with the honest convictions of our friend over the way from New York, [Mr. Smith,] that negro slavery is but an unmitigated evil. And this, no matter how demonstrable the evidence may be recorded, in the history of our race, that all the civilized nations of the earth have come up through this same ordeal; no matter how much more severely tested in the furnace of woe, the alembic through which have been distilled the sweat and tears which have given life, and tone, and vigor to their civilization. Well, then, sir, as if to give to this very sentiment its appropriate form and ultimation upon this floor, here, upon this side of the house, is our friend from South Carolina who occupies a seat at my left, [Mr. Orr.] who, just as honestly, no doubt, stands ready to defend this institution, peculiar to his portion of the Union, at all times and under all circumstances.

Here, then, sir, extremes meet. And how? Why, sir, my position is precisely that of a medium between them, tempering and modifying these extremes in both. Sir, I am from the West, and these our friends—were a thing so incredible that they should desire to do so, for a moment admitted—could not get at each other in violent collision, because I, a full-grown man from the West, six feet in my stockings, stand between them and would not permit it. This, sir, is precisely illustrative of the position of the diversified interests and sentiments of this glorious, this mighty Union, spread out not only from ocean to ocean, but almost from zone to zone.

Sir, let this government confine its action to its own appropriate duties. Let this question alone where the constitution and the compromises have left it, and all is well.

But, in any event, I believe in the permanency of the Union. Though

the North rage and swear, in its fanatic zeal, that the Union, in its influences worse than a calamity, is a curse; and though the South, louder still, and more terrible in its wrath, hurl back defiance; yet the Union is safe. Brethren, you have neither time nor opportunity to meet in violent collision. Not time, because the progress of this fast age is making too many demands upon it. You have too many commercial and agricultural, manufacturing and mechanical, literary, moral, and scientific enterprises, which seem to claim your first attention. Indeed, we cannot afford to stop the Pacific railroad enterprise now long enough to quarrel.

It is too late, too late now, by a whole age, to think seriously of quarrelling about these things. Other and higher interests are calling our thoughts off in another direction, and much more profitably, too, every man of us admits. You have not opportunity, for this good reason. I have already given an illustration of the position and offices of the West, the mighty West, toward the brotherhood of this Union, in all anticipated fraternal quarrels. And this is no solecism. Meet as you might in hostile array, you would but laugh in each others' faces, and swear it was all a joke. More than this, the West stands between you; and the West has attained to the full stature of manhood.

If this were merely a northern measure, as it is not, contemplating an infraction upon the rights of the South, and this agitation had thus been induced, as it has not, by northern hostility to slavery, I would appeal to its movers to listen to that significant voice, the voice of a new-born age, which comes wailing to our ears from around the globe.

Africa is calling for her sons. The empire of the heathen gods of that barbarous race is passing away. The gloom is broken of the ages of impenetrable night, through which, since time began, that race, apparently dead to all the influences of civilization, has been shrouded in the pall of moral chaos.

A gleam of light at last betokens approaching day. Awakened to partial consciousness, Africa is calling on her sons for help. And from whence does she call them? She calls them from the school of more than three hundred years of slavery on this continent. Nor does she call in vain.

Though terrible has been the school in which they have thus been taught, yet they have now demonstrated the problem to the world, that they are capable of civilization, not by showing their capacity to resist, but to endure a state of slavery.

Sir, you cannot civilize an Indian, and you know it. Why do you

know it? Because you know that you cannot enslave him. And, sir, what does this demonstrate? Their certain doom to extinction.

Not so the African. You now know that you can civilize him. Why? Because you know that you can enslave him. He has thereby evinced that basis of moral stamina necessary to sustain both.

The Indian resists slavery, and his race perishes; the African endures it, and his race is civilized.

I am here advancing no mere speculative sentiments. I am giving no mere opinion of my own. I am but announcing, for the ten thousandth time, what the world has readon every page of their history for more than three hundred years—the doom of one race, and the destiny of the other.

Yes, sir; there is hope for Africa. But, "lo! the poor Indian!" there is no hope for him. Sir, pass this bill, and, perhaps in mercy, you hasten his doom. You break down the barrier which, while using the word "forever" in sheer mockery, you have temporarily erected around his last resting place on earth; you let in upon him the other two races, each his superior—the African slave and his Caucasian master; and then, torture it as you may, that word "forever"-construe it, if you can, to mean-and quiet your conscience, if you can, with the pretext that it really means-"during your own good pleasure;" and hunt around, with a thousand expressions of philanthropy on your tongue, yet every one of them a lie in your heart, to find him another home; and where, Pharisee of the world-sir, I am talking to the Caucasian race-where will you go to find it? Where is there a foot of earth, even enough for their graves, which is not a howling desolation, that you would give them for their homes "forever," and mean what you say? No, sir; they will stay where they are, not to live, but to linger out the brief remnant of their miserable existence; and at last, if this measure accomplishes its contemplated end, this final desecration, even of their graves, will follow. Their bones-their very ashesfattening the soil, will be converted into bread to pamper their destroyers, through the instrumentality of the toil of African slaves. Sir, we may profitably abandon that more precarious enterprise-plundering guano from the South American coast. We have two whole races of men to use up for the same purpose—the bones and ashes of the one, and the sweat and tears of the other-ay, sir, the domestic article. This I call the protection of home industry with a vengeance.

This will be famous work; and if you covet its fame, pass this bill. But, sir, as I have already suggested, there is one of these races that you will not destroy. The African race you will not destroy; and for the only and very sufficient reason that you cannot do it.

Yes, sir, in spite of you and of your best—nay, your worst—efforts for ages past, and ages yet to come, I repeat it—there is hope for Africa.

But, sir, in the name of God, "who makes even the wrath of man to praise him," let us not further extend labors of benevolence and charity like these in this direction. Let us not, by repealing the Missouri compromise act, proceed upon the impious presumption that we may safely take this work out of the hands of Providence, by enlarging the area of slavery in this direction.

It becomes another question, however, when, by the acquisition of additional slave territory—Cuba, if you please—we may redeem our own name, in fact as well as in fame, from half the blackness of this "damned spot," by redeeming an additional portion of the African race from the stagnant pools of that moral degradation in which they are held by an inferior branch of our own race, who themselves having long since reached their grand climacteric, and incapable of further progress, are also sinking to inevitable decay.

In that direction, sir, I even bid the work of slavery God speed; for there it would be a progressive work; progressive in the right direction—in upward tendencies; looking steadfastly not only to the final deliverance, but the regeneration of the race.

The vote we give upon the question before us is no small matter. We hold the destiny of whole races of human kind in our hands, and every vote we give is pregnant of their fate. Let us, then, act like men, as conscience and humanity dictate, and throw all considerations of mere selfish policy to the winds. Viewing our duty and the fruits of our deeds in this glowing light, once more I say, sir, I have hopes for Africa and her children.

There is a future, a glorious future, in reserve for them. I see the vista of that future opening, and, in the dim distance, the germs of a peculiar yet glorious civilization developing, expanding, evolving their fruits. And, sir, it will be a Christian civilization. And in the glow and mild radiance of that sun which will shed his beams upon this civilization, will be found attractions which will draw out and mature all that belongs to the highest order of the affections.

Now, I will venture to say that there is not a slaveholder in this House, or in this land, who has a human heart in his bosom, who does not love his slaves; and love them, too, for love's own sake. And

why? Because his slaves first loved him. And, sir, I as little doubt that many of them love their slavery. This may be a bold and startling enunciation to some of my northern friends, but "He who tempers the wind to the shorn lamb" enables us to account for this, by having implanted this peculiar affection in their very nature. Who but the African would toil and labor out all his days for another—hardly thinking of himself the while—and be thriving, and cheerful, and comparatively happy, in his servitude? Why, sir, every one knows, for every one sees, that the negro—slave or free—is the very soul of mirth and music. And in the civilization which is reserved for his race, all these peculiar affections, of which we now see but the mere germs, will be brought out in the richest profusion of development.

Sir, I make no pretensions to the gift of prescience, for "I am neither a prophet nor the son of a prophet," yet I make these assertions for

what they may be worth.

We are in the beginning of that time, when two peculiar and distinct orders of civilization—Christian civilization—are taking possession of the earth. The Caucasian, already in the ascendant, characterized by the highest order of intellectual development; at the same time, also, very selfish and very progressive. And the African, of which the Colonization Society is the harbinger, characterized by those peculiar traits already referred to.

In view, then, of all these mighty considerations, in conclusion I have to say, Mr. Chairman, that it is, after all, of less consequence what we do than what we cease to do. Let us cease to quarrel with each other

and with Providence.

God made the world, and not we. By the confusion in which we find we are again involving ourselves, let us be admonished of the folly of our blind efforts to improve the condition of things around us, by turning the world's progress out of its wonted course. Let us compromise once more, by agreeing to abide by the compromises—ALL OF THEM.

For once in my life, sir, I find myself, under the peculiar circum-

stances, an advocate of the doctrine of "a masterly inactivity."

Let the Missouri compromise alone. Let slavery alone. Let the Indians alone—at least until we can see the path of duty before us more clearly defined. And in Heaven's name, unless we see some more urgent necessity than now exists, let Nebraska alone, if its organization must needs demand so great a sacrifice.

Slaveryn LAWS" OF KANSAS.

SPEECH OF SCHUYLER

OF INDIANA.

IN THE HOUSE OF REPRESENTATIVES,

JUNE 21, 1856.

The House being in Committee of the Whole on the state of the Union on the Army appropriation bill,

Mr. COLFAX said:

Mr. CHAIRMAN: I desire to give notice that I shall move, when we reach the third clause of the pending Army bill, the following amendment; and I read it now, because the remarks I shall make to-day are designed to show its necessity.

"But Congress, hereby disapproving of the code of alleged laws officially communicated to them by the President, and which are represented to have been enacted by a body claiming to be the Territorial Legislature of Kana nody cluthing to be the retritorial Legislature of Kan-sas, and also disapproving of the manner in which said alleged laws have been suffered by the authorities of said Territory, expressly declare that, until these alleged laws shall have been affirmed by the Senate and House of Representatives as having been enacted by a legal Legislaresentatives as aways come nacted by a legal regulara-ture, chosen in conformity with the organic law by the people of Kaussa, no part of the military force of the Uni-ted States shall be employed in aid of their enforcement; nor shall any cinzen of Kaussa be required, under their provisions, to set as a part of the posse constitute of any officer acting as marshal or sheriff in said Territory "

My especial object to day is to speak relative to this code of laws, now in my hand, which has emanated from a so-called Legislative Assembly of Kansas; and for the making of which your constituents, in common with mine, have paid their proportion-the whole having been paid for out of the Treasury of the United States In speaking of the provisions embodied in this voluminous document, and of the manner in which these "laws" have been enforced, I may feel it my duty to use plain and direct language; and I find my exemplar, as well as my justification for it, in the unlimited freedom of debate which, from the first day of the session, has been claimed and exercised by gentlemen of the other side of the House. And, recognising that freedom of debate as we have, to the fullest extent, subject only to the rules of the House, we intend to exercise it on this side, when we may see fit to do so, in the same ample manner. Hence, when we have been so frequently called "fanatics," and other epithetsof denunciation, no one on these seats has even called gentlemen of the other side to order. When it has pleased them to denounce us as Black Republicans or colored Republicans, we have taken guarantied and protected by the Constitution, no exception to the attack, for we regard freedom of speech as one of the pillars of our free | floor

institutions. When, not content with this, they have charged us with implied perjury, in being hostile to the Constitution, and unfaithful to the Union, we have been content to leave the world to judge between us and our accusers-a scrutiny in which principles will have more weight than denunciation. In spite of all these attacks we have not been moved to any attempt to restrict the most perfect and unlimited freedom of speech on the part of our denouncers; for we acknowledged the truth of Jefferson's sentiment, that "Error ceases to be dangerous, when Reason

is left free to combat it."

If that constitutional safeguard of our rights and liberties, free speech in debate, is to be recognised anywhere, it should certainly be recognised, enforced, and protected, in this House. Every Representative of a free constituency, if worthy of that responsible position. should speak here at all times, not with "bated breath," but openly and fearlessly, the sentiments of that constituency; for, sir, it is not alone the two hundred and thirty-four members of this House who mingle in this arena of debate; but here, within this bar, are the teeming millions of American freemen, not individually participating, as in Athens in the olden time, in the enactment of laws and the discussion and settlement of the foreign and domestic policy of the nation; but still, sir, participating in the persons of their Representatives, whom they have commissioned to speak for them, in the important questions which are presented for our consideration. Here, in this august pres-ence, before the whole American people, thus represented, stand, and must ever stand, States and statesmen, legislators and jurists, parties and principles, to be subjected to the severest scrutiny and the most searching review. Here Alabama arraigns Massachusetts, as she has done through the mouth of one of her Representatives but a few weeks since; and here Massachusetts has equally the right to arraign any other State of the Confederacy. And while the Republic stands, this freedom of debate. must and will be sustained and enforced on this

Mr. Charman, I feel compelled, on this oc-casion, therefore, by truth, and by a conscien-tious conviction of what I know to be the feelings of my constituents—for whom I speak as much as I do for myself—to denounce, as I do this day, the "code" of the so called Legislature of Kansas, as a code of tyranny and oppression, a code of outrage and of wrong, which would disgrace the Legislature of any State of the Union, as it disgraces the Goths and Vandals, who, after invading and conquering the Territory, thus attempted to play the despot over its people, and to make the white citizens of Kansas greater slaves than the blacks of Missouri. No man can examine the decrees of Louis Napoleon, no matter how ignorant he may have been of the procession of events in France for the past six years, without having the conviction forced upon his mind that they emanated from an usurper and a despot. The very enac ments embodied in these decrees bear testim ony against him. The limitations en the right of the subject; the mockery of the pretended freedom of elections which he has vouchsafed to the people; the rigid censorship of the press; the shackles upon the freedom of speech; all combine to prove that they emanate from an autocrat, who, however men may dif-ler as to the wisdom of his statesmanship, undonbtedly governs France with a strong arm and an iron rule. And so, sir, no unprejudised man can rise from a candid perusal of this code without being thoroughly convinced that it never emanated from a Legislature voluntarily chosen by the people whom it professes to govern, but that it was dictated and enacted by usurpers and tyrants, whose leading object was or crush out some sentiment predominant amongst that people, but distasteful and offensive to these usurping legislators. I know this is a strong assertion; but, in the hour of your time which I shall occupy, I shall prove this assertion from the intrinsic evidence of the code itself.

Before I proceed to make an analysis of these laws, which I hold were never legally enacted, were never fit to be made, nor fit to be obeyed by a free people, let me say a few words in regard to the manner in which they have been administered and enforced. We have heard of murder after murder in Kansas-mnrders of men for the singular crime of preferring Freedom to Slavery; but you have not heard of one single attempt by any court in that Territory to indict any one of those murderers. The bodies of Jones, of Dow, of Barber, and others, murdered in cold blood, are mouldering away and joining the silent dust; yet one of the murerers this very day holds a Territorial office in Kansas, and another of them holds an office of influence and rank under the authority of the General Government, while neither the Territoreal nor the General Government inquire into the crimes they have committed, or the justification can be found among the favored grantees; and for their brothers' blood that stains their hands. all of them know that, if that Legislature is

I wish first, Mr. Chairman, to speak of the manner in which the Chief Instice, sitting as the snpreme judicial officer of the Territory of Kansas, has performed the functions of his office. I have no imputation to make upon him as a man of moral character or of judicial ability. I know nothing in regard to either. not say he has wilfully and corruptly violated his official oath; for I can say that authoritatively in only one way-and that is, by voting for his impeachment. I shall not comment, sir, on the extraordinary manner in which he has enforced the Kansas code, with Draconian severity, against all who advocated Freedom for Kansas but with a serene leniency towards all who did not; pushing its severest provisions to the extremest point in the one case, and forgetting. apparently, that it contains any penalties whatever in the other. But I desire to draw the attention of the House to the fact, proven by the code itself, that this "Legislature" have used every exertion within their power to make that Judge the interested champion and advocate of the validity of their enactments. Pecuniary interest, sir, is a powerful argument with man kind generally. We all see and we all recornise this fact as a truism which no logician denies. The Administration that gives a man an extensive or a profitable contract may reasonably expect to find in him a supporter. Legislature that confers on a man a valuable charter, would have a right to feel surprised if he did not decide in favor of the legality and the constitutionality of their enactments; as well as use all of his influence in their favor, if their authority to act as grantors was disputed, and if his charter fell to the ground as worthless, in case their right to grant it was overthrown. It is true, some men are so pure as not to be affected by such things; but in the generality of cases, the human mind cannot fail to be thus influenced, even if it is not absolutely controlled.

Now, if you will turn to the concluding portion of this "code of laws," you will find one hundred and forty pages of it, over one-sixth of the whole, devoted to corporations, shingled in profusion over the whole Territory, granting charters for railroads, insurance companies, toll bridges, ferries, nniversities, mining companies, plank roads, and, in fact, all kinds of charters that are of value to their recipients, and more, indeed, than will be needed there for many years. No less than four or five hundred persons (not counting one hundred Territorial road commissioners) have been thus incorporated, and have been made the recipients of the bounty of that legislation of Kansas, making a great portion, if not all of them, interested advocates to sus-tain the legality of those laws now in dispute before the American people. I need scarcely add, that the name of nearly every citizen of Kansas who has been conspicuous in the recent bloody scenes in that Territory on the side of Slavery,



proved to be illegal and frandulent, their grants work. This charter, valuable as it must become become valueless.

In quoting from this code of the laws of the Legislature of Kansas, I desire to state that I quote from Executive document No. 23, submitted to this House by the President of the United States, and printed by the public printer of Congress. It is entitled "Laws of the Territory of Kansas," and forms a volume of eight hundred and twenty-three pages. I notice that many members have a copy of this code before them now; and as many people, as they discuss these enactments around the hearthstone at home, cannot believe that they are authentic, I will take pains to quote the section and page of every law I allude to, and will say to gentlemen upon the other side, that if they find me quoting incorrectly in a single instance, or in the minutest particular, essential or non essential, I call upon them to correct me on the spot.* I wish to lay the exact truth, no more, no less, from this official record itself, authenticated as it is by the President of the United States himself, before Congress and the American people.

You will find in this code of laws, that Mr. Isaacs, the district attorney of Kansas, figures in four acts of incorporation, and cannot fail, therefore, to believe in the legality of their enactment. Mr. L. N. Reese figures in three more; Mr. L. J. Eastin in three; Stringfellow in three, of conrse; and R. R. Reese in five-all of them earnest defenders of the code and its provisions, as might be expected. But I desire more particularly to show you the incorporations in which the Territory of Kansas have given an interest to the Chief Justice of the Territory, Judge Lecompte, sitting though he does upon the judicial beach, to decide upon the validity of these Territorial laws. You will find him, on page 788, incorporated as one of the regents of the Kansas University; but I pass by that, as of very little moment. At page 760 you will find a charter for the Central Railroad Company, with a capital of \$1,000,000, in which S. A. Lecompte is one of the corporators. The Chief Justice's name is S. D. Lecompte: and as I cannot hear of any other person of the name of Lecompte in the Territory, I have no doubt that this is a misprint in the middle initial, and that his name was intended. But I will give him the benefit of the doubt, and pass over this charter. On page 769 you find another charter, in which Chief Justice S D. Lecompte figures as a corporator. It is the charter of the Leavenworth, Pawnee, and Western Railroad, which, in the opinion of many, is destined to be a link in the great Pacific Railroad, or at least an important section in one of its branches. It is chartered with a capital of \$5,000,000, and five years' time is given for the grantees to commence the

as the Territory advances in population and wealth, is presented as a free gift to Judge Lecompte and his associates by the mock Legislature of Kansas. Of course, in all these charters the directors are to open books for the subscription of stock, keeping them open "as long as they may deem proper;" no barrier existing against their subscribing the whole stock themselves, the moment that the books are opened, if they choose so to do. But I desire to draw attention particularly to another grant, to be found on page 774, in which this same impartial Judge, S. D. Lecompte, with nine other persons, are incorporated as the Leavenworth and Lecompton Railroad; and I ask you to notice, and explain, if you can, the difference which exists between that and other incorporations.

In the first place, the other railroad charters are granted to certain persons in continuous succession. In this charter, with a capital of \$3,000,000, for a railroad from Leavenworth to his favorite city of Lecompton, (which was made the capital of the Territory by this same Legisature,) with an indefinite and unrestrained power to build branch railroads from the capital in any and every direction, Judge Lecompte and his associates, including Woodson, the Secretary of the Territory, are granted perpetual succession. In section 21, page 777, there is this special exception, which, though brief in this language, is momentous in its importance, for the benefit of Judge Lecompte & Co.:

"That sections seven, thirteen, and twenty, of article first, and so much of section eleven, article second, as relates to stock owned, of an act concerning corporations, shall not apply to this act."

In the examination which I gave to these laws, it struck me that this exception of this charter, for the benefit of Lecompton and Lecompte, from the provisions of the general law relative to corporations, was singular, to say the least; and I turned back to the general law, to see the character of the provisions thus surpended, so far as this act was concerned; and the proof that it furnishes of the intention, on the part of the Legislature, to make Judge Lecompte interested in their behalf, is so strong, that I will refer you to these sections as circumstantial evidence of no ordinary character.

Section seven of the general corporation law (see page 164) provides as follows:

"The chanter of every corporation that shall hereafter be granuted by law, shall be subject to alteration, supportion or repeal. by any succeeding lagislature: Province of the chanter of the conflict where the conflict whe

But in Lecompte's charter, the power even to amend it is, by the suspension of the above section, withheld from any "succeeding Legislature," even if said Legislature, or the people of Kansas, unanimously desired its amendment.

Sec. 13 (page 165) makes the stockholders of all corporations individually liable for its debts. But this, too, is suspended by the mock Legislature of Kansas, for the benefit of Judge Leec upte.

^{*} The pages referred to are numbered in accordance with the Official Reprint of the Laws by Congress, of which each Member has a copy, and not the pages of the vidition printed in Kansas. As the Sections, however, are generally quoted in full, they can usually be traced by any person h a wing the latter edition.

or Section twenty (see page 166) makes directors liable for debts incurred by them exceeding the capital stock. But this, also, is suspended in Judge Lecompte's charter, and he is one of the directors of the road.

But there is still another extraordinary provision in this charter, which I find in no other grant of this Legislature. Section fifteen (page

776) provides:

"If said-company shall require for the construction or repair of said road, any stone, gravel, or other materials, from the land of any person adjoining to or NEAS said road, and caxwor contract for the same with the owner thereof, said company may proceed to take possession of and use the same, and have the property assessed." &c.

Not only are they empowered to take stone, gravel, and other materials, including timber, ofsuch great value in Kansas, from land through which the road runs, but also from "adjoining" tracts; and still further, from tracts "NEAR said road," which may be construed to mean one mile, or five miles, or ten miles off, as the case may be. And if the owner refuses to part with his timber or gravel, the company are suthorized to take it first, and pay for it afterwards; and the man who resists, and seeks to protect his own property, would be amenable to the pensilies of this bloody code for resisting "the laws of Kansas." What was the object of these extraordinary grants and privileges to Judge Lecompte and his associates, I submit for the American needle to decide.

for the American people to decide.

Before I leave this Judge—the central figure as he is of the group of men in Kansas who are using the power of the Judiciary as it was used during "the bloody assizes" in England and the Reign of Terror in France, to enforce the decrees of tyranny-I must call attention to his charge to the last grand jury which he addressed in Kansas; and in which, instead of alluding to the destruction of property of Free State men by nnauthorized mobs; to the tarring and feathering, and other personal outrages, to which many of them had been subjected; to the repeated invasions of the Territory by armed maranders, of which he had been a witness; and to the murders of unoffending Free State men, of which he could not have failed to hear; his virtuous desire to uphold "the laws" found vent in another directionthe direction of persecution instead of protection. I quote from this extraordinary charge, as published in the National Intelligencer of this city, of June 5, 1856, the following extraordinary paragraphs:

"This Territory was organized by an act of Congress, and, so far, its authority is from the United States. It has a constant the configuration of the Congress by which is governs the Territory, has passed laws. These cases, therefore, are of United State authority and making; and all that relast these laws, resist the power and authority of the United States, and are therefore guilty of high

realize, gentlemen, if you find that any persons have respined here lower, then you must, underlyour oaths, and bills against such persons for high treason. If you find that no such resistance has been made, but that comfinations have been formed for the purpose of resisting them, and in dividuals of influence and notionity have been aid-

ing and abetting in such combinations, then must you still find bills for constructive treason," & c.

Mr. Chairman, I am no lawyer; but I think I understand the force of the English language; and when I read in the Constitution of the United States that "Treason against the United States shall consist ONLY in levying war against them, or in adhering to their enemies, giving them aid and comfort," I do not hesitate to brand that charge of Judge Lecompte, under which Governor Robinson was judicted for treason, and is now under confinement and refused bail, as grossly, palpably unjust, and wholly unauthorized by the Constitution. To concede his argument, that to resist, or "to form the purpose of resisting," the Territorial laws, is treason against the United States, because Congress authorized a Legislature to pass laws, leads you irresistibly to the additional position, that to resist the orders of the county boards created by that Legislature is also treason, for these boards are but one further remove from the fountain-head of power. And thus, sir, "the extreme medicine of the Constitution would become its daily bread;" and the man who even objected to the opening of a road through his premises, would be subject to the pains and penalties of treason. No, sir; that charge is only another link in the chain of tyranny, which the Pro-Slavery rulers of that Territory are encoiling around its people. And when the defenders of these proceedings ask us to trust to the impartiality of courts, I answer them by pointing to this charge, and also to the judicial decrees of the Territory, by authority of which numbers of faithful citizens of the United States have been indicted, imprisoned, and harassed-by anthority of which the town of Lawrence was sacked and bombarded-by authority of which printing presses were destroyed, without legal notice to their owners, and costly buildings cannonaded and consumed, without giving the slightest opportunity to their proprietors to be heard in opposition to these decrees; all part and parcel of the plot to drive out the friends of Freedom from the Territory. so that Slavery might take unresisted possession of its villages and plains.

It might have been supposed that, at least, one of those rights dear to all American freemen-the trial by an impartial jury-would have been left for the people of Kansas unimpaired. But when the invaders and conquerors of Kansas, in their border ruffian Legislature, struck down all the rights of freemen, they did not even leave them this, with which they might possibly have had some chance of justice, even against the hostility of Presidents, the tyranny of Governors, and the hatred of Judges. No jurors, sir, are drawn by lot in the Terricry. But the first section of the act concerning jurors (see page 377) enacts that "All courts, before whom jurors are required, may order the marshal, sheriff, or other officer, to summan a sufficient number of jurors."

The whole matter is left to the discretion of these officers; and Marshal Donaldson or "Sheriff Jones" pack juries with just such men as they prefer, and whom they know will be their willing instruments. For a Free State man to hope for justice from such a jury, charged by such a Judge as Lecompte, would be to ask that the miracle by which the three Israelites passed through the fiery furnace of their persecutors unscathed, should be daily reenacted in the jurisprudence of Kansas. Nay, more, sir—to make assurance doubly sure, the same law in regard to jurors excludes all but Pro-Slavery men from the jury-box in all cases relating directly or indirectly to Slavery; for here is its thirteenth section, (page 378:)

"No person who is conscientionally appeared to the holding slaves, or who does not admit the right to hold slaves in this Territory, shall be a juror in any cause in which the right to hold any person is slavery is knowled, nor in any cause in which any injury done to, or committed by, the violation of any juve enacted for the protection of slave property, and for the punishment of crime committed against the right to such property."

I leave this dark picture of the jurisprudence of Kansas, and turn now to the laws themselves—"laws" that were, as late as the 9th of February, 1856, over two months after the penning of this session, thus spoken of by the Detroit Free Press, the organ of General Cass, and one of the leading Democratic papers of the Northwest:

is But the Peridont should pause long before treating as treasonable neutroreton't be neution of those inhabitants of Kanasa king intermetent in enterior of the inhabitants of Kanasa king intermetent in the properties of the Ranasa Legislature; for in our numble opinion, a people legislature body forced upon them by fraud and violence, evolut be unwought the name of Armenas. If there was ever justifiable cause for popular revolution against a usurpring and conceivos forcer, ment, that cause has existed in Kanrad conceivos forcer, ment, that cause has existed in Kan-

The President of the United States has declared, in his special message to Congress, in his proclamation, and in his orders to Governor Shannon and Colonel Sumner, through his Secretary of State and Secretary of War, that this code of Territorial laws is to be enforced by the full exercise of his power. He has, of course, read them, and knows of their provisions. He must know that they trample even on the organic law, which his official signature breathed into life. He must know that they trample on the Constitution of the United States, which he and we have sworn to support. Reading them as he has, he could have chosen rather to support the law of Congress and the national Constitution; but he preferred to declare publicly his intention of assisting, with all his power and authority, the enforcement of this code, which repudiates both. The National Democratic Convention also, at Cincinnati, denounced "treason and armed resistance to the laws" in a marked and special manner; and if there was any doubt as to the object of this denunciation. the speech of the author of the Nebraska bill himself, Mr. Douglas, at the ratification meeting in this city, a few nights since, shows plain-

ly its "intent and meaning." Wishing to do no injustice to any one, I quote from his speech, as reported in the National Democratic organ here, the Washington Union, of June 10, which I hold in my hand:

"The platform was equally explicit in reference to the disturbances in relation to the Territory of Kanzaz. It delared that treason was to be punished, and resistance to the laws was to be put down."

"He rejoiced that the Convention, by a unanimous vote

the laws was to be put down."

"He rejoiced that the Coursention, by a unantimous vote had approved of the creed that law must and shall prevail. (Applause.) He rejoiced that we lad a standard-levail. [Applause.] He rejoiced that we lad a standard-levail. [Mr. Buchanan] with so much wisdom and nerve as to enforce a firm and undivided execution of those leaves."

And Mr. Buchanan, after the nomination, replied to the Keystone Club, who called on him on their return from Cincinnati, as follows:

"Gentlemen, two weeks since I should have made you when he was the mean that the mean the mean that the mean that the mean that the mean that the mean the mean the mean that the mean the mean

I shall now proceed to show you no less than seven palpable violations of the organic law, (the Nebraeka bill,) incorporated into this code by the bogus Legislature which enacted it. The President, Judge Douglas, and Mr. Buchanan, who are all pledged "to enforce these Territorial laws," cannot have failed to notice that the conquerors of Kansas enacted their code, regardless of whether its provisions coincided with the organic law or not; but, nevertheless, where they differ, the law of the United States is to be ignored, and the Pro-Slavery behests of the Kansas invaders are to be carried out at the point of the bayonet, if necessary.

First. Section twenty-two of the Nebraska bill enacts that the House of Representatives in Kansas shall consist of twenty-six members, "whose term of service shall continue one year." That does not mean eighteen, nineteen, or twenty months, but "one year," and one year only. The Legislature of Kansas was elected on the 30th day of March, 1855-a day which has become famous from the discussions in this House and elsewhere in regard it; and, sir, if you will turn to page 280 of this Kansas code, you will see that there is not to be an election for members of the lower House of the Legislature until the first Monday in October, in the year 1856-over eighteen months after the first Legislature was elected. If you turn, then, to page 403, you will find that no regular session of that Legislature is to be held until January, 1857; so that the term of that House of Representatives, in defiance of the organic law, is prolonged to twenty-two months instead of twelve months. Sir, their term has expired now. There is no Legislature in the Territory of Kansas this day; and therefore, in the language of the Declaration of Independence, "the legislative powers, incapable of annihilation, have returned to the people at large for

ever, in no conflict with the Territorial Government, but carefully avoiding it, and abstaining from putting any legislation in force, but only organizing as a State to apply for admission here, as "a redress for their grievances"-for doing this, the court of Judge Lecompte arraigns them for treason, and scatters its indict-

ments all over the Territory. Second. The same section of the Kansas organic law says that the members of the council shall serve for "two years;" but their term has been prolonged in the same manner to nearly three years, so that the councillors elected in March, 1855, remain in office until the 1st of January. 1858-longer than a member of this House holds his seat by the anthority of his constituents. And it is to this Legislature, the Senatorial branch of which, even if legally elected, should expire in nine months from this time, but which, in defiauce of the organic law, have taken upon themselves to extend their term to a period nineteen months distant, that Judge Douglas desires, in his bill, to submit the question of when a census shall be taken preparatory to admission as a State, and to clothe them with the superintendence of the movements in the Territory, preliminary to said admission. When we have investigated to-day the "constitutionality," the "justice," the "impartiality," the "humanity," of their acts thus far, no one will need to ask, why I am not willing, for one, to give them the slightest degree of power or authority hereafter, but, on the contrary, desire to take from them that which they have illegally usurped and tyrannically exercised.

But, if to these two points it is replied that the term of the House of Representatives was intended by this mock Legislature to expire on the 30th of March, 1856, ten months before the new House takes its seat, and the Council, in March, 1857, ten mouths before the new Council meets, it follows that, though the Nebraska bill extended "popular sovereignty" by giving the President absolute control of two of the three branches of the Government, the Executive and Indicial, and left to the people only the Legislative, subject to a two thirds veto of the President's Governor, this Legislature so legislates that there is no House of Representatives there from March, 1856, to January, 1857-and no Council from March, 1857, to January, 1858-in a word, so that there can be no Legislature in the Territory from March, 1856, to Jaunary, 1858, except from January to March, 1857, BARELY TWO MONTHS OUT OF

TWENTY-TWO! Third. The next violation of the organic law is the enacting of a Fugitive Slave Law in

their exercise." For exercising them, how- violations that I do not complain much about, for, in some respects, the Territorial law is milder than the national one, and requires the slave claimant to pay the costs in advance; but I allnde to it to show the utter recklessness of the Kansas legislators, and their disregard of the law of Congress. By this law, (sections 28 and 29, page 329,) persons are prohibited from taking fugitives from the Territory, except in accordance with its provisions, and are fined

\$500 if they do so.

Fourth. The expenses of the Territory are paid, as is well known, ont of the National Treasury; and section thirty of the Nebraska bill enacts that the chief clerk of the Legislature shall receive four dollars per day, and the other clerks three dollars per day. But on page 444 of the Kansas code, you will find an extra douceur to the clerks, of fifteen and twenty cents per hundred words for indexing and copying journals; on page 145, another law, declaring that, if the Secretary (then acting as Governor, after Governor Reeder's removal) should refuse his assent to the above, the chief and assistant clerks should receive \$100 each out of the Treasnry, besides their per diem; and on the next page, page 146, the pay of the enrolling and engrossing clerks is increased to four dollars per day, on the like contingency, although the organic law expressly fixed it at three dollars per day. The legislators acted as if they had not only conquered the people of Kansas, but the National Treasury also.

Fifth. Section twenty two of the organic law gives the Governor, exclusively, the right of determining who were elected members of the Legislature. He did so, throwing out about one third of the members elected at the first election, the reign of terror and of violence preventing more contests of other equally fraudnlent returns. But the Legislature, when assembled, without examination of the merits of each case, and without authority to commit such an act at all, threw out all the members elected at the second election, and admitted in their stead those whose right to seats the Governor had expressly denied.

Sixth. Section twenty four of the organic law enacts:

"That the legislative power of the Territory shall ex-tend to all rightful subjects of legislation consistent with the Co-stutution of the United States; but no law shall be passed interfering with the primary disposal of the soil."

But if you will turn to page 600, you will see how coolly this bogus Legislature ignores both the Nebraska bill and the pre-emption law; for it declares, as if they owned the soil, that in actions of trespass, ejectment, &c., settlers shall be protected in their pre-emptions, not of one hundred and sixty acres, but of three hunthat Territory; although, by section twenty-dred and twenty acres; "that such claim may eight of the Nebraska bill, the Fugitive Slave be located in two different parcels, to suit the Law of the United States was declared "to exconvenience of the holder," "without being tend and be in full force within the limits of compelled to prove an actual enclosure;" and the Territory of Kansas." This is one of the the still more flagrant repudiation of the Conby tenant shall be considered equally valid as personal residence," under which the whole Territory may be pre-empted by Missourians. And this law, with the others, is to be enforced by the President!

Seventh. Section thirty of the Nebraska bill enacts that the official oath to be taken by the Governor and Secretary, the Judges, "and all other civil officers in said Territory," shall be "to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices." No more-no less. But the legislators of Kansas, with the same disregard of the Congressional law that marked their other acts, enacted another kind of official oath, on page 438 of their code, as follows:

"SEC. 1. All officers elected or appointed under any existing or subsequently-enacted laws of this Territory, shall take and subscribe the following oath of office: 'I, do solemnly swent, upon the holy Evangelists of Almighty God, that I will support the Constitution of the United States, and that I will support and sustain the proonseen, saut usat i wii support and sistiam he pro-visions of an act entitled. An act to or puzze the Terri-tories of Nebraska and Kansar," and the provisions of the a.w of the United States can," and known as the "Fu-guitee State Law." and faithfully and importally, and to the best of my ability, deman myself in the discharge of my duties in the office of ---; so help me God."

You cannot fail to notice that, in this new oath, framed by the bogus Legislature, the Fugitive Slave Law is elevated to a "higher law" than the Constitution; for the officer is merely to "support" the latter, but is required to swear that he will "support AND SUSTAIN" the

Besides these seven palpable, flagrant, and unconcealed violations of the organic law, organizing the Territory, I point you now to five equally direct and open violations of the Constitution of the United States; for that instrument has been trampled upon as recklessly as the laws of Congress.

First. The very first amendment to the Constitution of the United States prohibits the passage of any law "abridging the freedom of speech;" and it is a significant fact, as can be learned from Hickey's Constitution, page 33, that this, with a number of other amendments to the Constitution which follow it, was submitted by Congress to the various States in 1789, immediately after the adoption of the Constitution itself, with the following preamble:

"The conventions of a number of States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its power, that further declaratory and restrictive clauses should be

Therefore the amendments that followed were proposed.

Thus it is conclusively proven that the amendment prohibiting any abridgement of the freedom of speech was adopted to prevent "an abuse of power," which our forefathers feared might be attempted by some degenerate descendants at some later period of our history. But, though they thus sought to preserve and Probably under this provision, as well as the

gressional pre-emption law, that "occupancy | protect free speech, by constitutional provision, their prophetic fears have been realized by the enactors of the Kansas code. Its one hundred and fifty first chapter, on pages 604 and 605, is entitled, "An act to punish offences against slave property;" and there is no decree of Austrian despot or Russian Czar which is not merciful, in comparison with its provisions. Here, sir, in the very teeth of the Constitution, is section twelve of that chapter:

"If any free person, by speaking or by writing, assert or maintain that persons have not the right to hold slaves we this Territory, or shall introduce into this Territory, print, publish, write, circulate, or cause to be introduced into the Territory written serious, manifolds and the state of the stat publish, wrie, circulate, or cause to be introduced into his Territory, written, printed, published, or circulated, in this Territory, any book, paper, magazine, pampheg, or circular, containing any denial of the right of persons to hold slaves in this Territory, such person shall be deem-ed outly or Felony, and punished by imprisonment at hard labor for a term of not less than two years."

How many more than two years he shall be punished, is left to the tender mercy of Judge Lecompte, and the jury which "Sheriff Jones" will select for their trial. The President of the United States has sworn to support the Constitution; but this, with the other "laws of Kansas," are to be enforced by him, despite that Constitution, with the army of the United States; and Mr. Buchanan is pledged by Judge Douglas to "the firm and undivided execution of those laws." But, sir, in a few short months the people, the free people of the United States, will inaugurate an Administration that will do justice to the oppressed settlers of Kansas, that will restore to them their betrayed rights, will vindicate the Constitution, and will place in the offices of trust of that ill-fated Territory men who will overthrow the "usurpation," give their official influence to Freedom and the Right, rather than to Slavery and the Wrong, and protect rather than oppress the citizens whom they are called upon to govern and to judge.

Second. 'he same constitutional amendment prohibits the passage of any law "abridging the freedom of the press;" and here, sir, in flagrant violation of it, is the 11th section of the same law in the Kansas code, page 605:

"If any person print, write, introduce into, publish, or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist in bringing into, printing, publishing, or circulating, within this Territory, any book, paper, pamphlet, magazine handbill, or circular, contacting any statements, arguments, opinion, sentiment, doctine, advice, or innuends eniculated to produce a disorderly, dangerous, or rebelious disaffection among the slaves in this Territory, or the induce such slaves to escape from the service of their masters, or to resist their authority, he shall be guilty of felony, and he punished by imprisonment and hard labor for a term not less than five years."

And, under this atrocionsly unconstitutional provision, a man who "brought into" the Territory of Kansas a copy of "Jefferson's Notes on Virginia," which contains an eloquent and free-spoken condemnation of Slavery, could be convicted by one of "Sheriff Jones's" juries as having introduced a "book" containing a "sentiment" "calculated" to make the slaves "disorderly," and sentenced to five years hard labor.

has, after his printing press has been destroyed by the order of Judge Lecompte's court, been himself indicted, and is now imprisoned, awaiting trial-kept, too, under such strict surveillance, far worse than murderers are treated in a civilized country, that even his mother and wife were not allowed to visit him until he had hambly petitioned the Governor for permission. And this npon the soil of a Territory which our forefathers, in 1820, in this ver- Hall, dedicated, by solemn compact, to "Freedom forever."

Third. The sixth amendment to the Constitution of the United States declares that, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury." It is significant that, in the Constitution itself, it had been provided (article 3, section 2) that "the trial of all crimes, except in cases of impeachment, shall be by jury." But, to prevent "abuse of power," this, with other amendments, was adopted, declaring that the trial shall be by an impartial jury. I have already shown you how impartially they are to be selected by sheriffs who go about and imitate, in their conduct towards Free State men, the example of Saul of Tarsus in his persecution of the early Christians, (Acts, chapter 8, verse 3, "entering into every honse, and seizing men and women, committed them to prison;") and I have quoted you a section, showing how impartially they are to be constitnted, with men on one side only; but in this very chapter, the concluding provision, section thirteen, (page 606,) repeats this gross violation of the National Constitution, as follows:

"No person, who is conscientiously opposed to holding staves, or who does not admit the right to hold staves in this Territory, shail six as a juror in the trial of any procession for any violation of any of the sections of this act."

Here, sir, in these instances which I have quoted, stand the Constitution of the United States on the one side, and the Kansas code on the other, in direct and open conflict-the one declaring that the freedom of speech shall not be abridged, that the freedom of the press shall be protected, that juries, above all things else, shall be entirely impartial; the other trampling all these safeguards under foot. And because a majority of the settlers there, driven from the polls by armed mobs, legislated over by a mob in whose election they had no agency, choose to stand by and maintain their rights under the Constitution, you have seen how anarchy and violence, how outrage and persecution, have been running riot in that Territory, far exceeding in their tyranny and oppression the wrongs for which onr revolutionary fcrefathers rose against the masters who oppressed them; and yet, though the protection they have had from the General Government has been only the same kind of protection which the wolf gives to the lamb, they have, while repudiating the Territorial sheriffs, bowed in submission to writs in the

charge of high treason, George W Brown, ed hands of the United States marshal, or when itor of the Herald of Freedom, at Lawrence, the soldiers of the United States, yielding to orders which they do not deem it dishonorable for them to despise, assist in their execution. Such forbearance—such manifestations of their allegiance to the national authority-become the more wonderful, when it is apparent as the noonday snn that every attempt has been made to harass them into resistance to the authority of the United States, so as to furnish a pretext, doubtless, for their indiscriminate imprisonment, expulsion, or massacre.

Fourth. The Constitution also prohibits cruel

and unusual punishments. I shall show, before I close, that this so-called Kansas Legislature has prescribed most cruel and unusual punishments, unwarranted by the character of the offences punished, and totally disproportioned to

their criminality.

Fifth. The Constitution declares (article 1, section 9) that "the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it." But the Kansas code, in its chapter of habeas corpus, (article 3, sec tion 8, page 345,) enacts as follows:

"No negro or mulatto, held as a slave within this Ter-"Ato negro or muiano, heiu as a siave within this Ter-ritory, or lawfully arrised as a fugitive from service from another State or Territory, shall be discharged, nor shall his right of freedom be had under the provisions of this act."

This provision, suspending the writ of habeas corpus in the above cases, is not only a violation of the Constitution, but also of the organic law; for that provided, in section 28, for appeals to the Supreme Court of the United States on writs of habeas corpus, in cases involving the right of freedom, the issuing of which this Territorial law expressly prohibits. The language of the Nebraska-Kansas act is as follows:

"Except, also, that a writ of error or appeal shall also be allowed to the Supreme Court of the United States from the decision of the said Supreme Court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof or of the district courts of the said of the sa of habeas corpus, involving the question of personal free

But the Kansas Legislature coolly set aside the law of the United States by which alone their Territorial organization was brought into existence, and effectually prohibited any appeal to the Supreme Court, "upon any writ of habeas corpus, involving the question of personal freedom," by declaring that the writ shall not be used in the Territory for any such purpose!

Having now referred to a few of the many acts embraced in this code, which conflict with the Constitution or the organic law, I proceed to the examination of other provisions, some of which stamp it as a code of barbarity, as well as of tyranny-of inhumanity as well as of oppression. And, first, to "the imprisonment at hard labor," which is made the punishment for "offences against the slave property," in the sections which I have already quoted. The general understanding of the people at large

yet erected in Kansas, this imprisonment would eighteen inches in circumference.] be in some Missouri prisons near the frontier. But, sir, such is not the case. The authors of these disgraceful and outrageous enactments, with a refinement of cruelty, provided that the "hard labor" should be in another way; and that way will be found in chapter 22, entitled "an act providing a system of confinement and hard labor," section 2 of which (page 147) reads as follows:

"Every person who may be sentenced by any court of competent jurisdiction, under any luw in force within this Territory, to punishment by confinement and hard labor. shall be deemed a convict, and shall immediately, under the charge of the keeper of such jail or public prison, or under the charge of such person as the keeper of such jail or public prison may select be put to hard labor, as in the first section of this act specified, (to wit, 'on the streets, roads, public buildings, or other public works of the Terri--[Sec. 1, page 146;] and such keeper or other person having charge of such convict, shall cause such convict, while engaged at such labor, to be securely confined by a chain, six feet in length, of not less than four-sixteenths nor more than three-eighths of an inch links, with a round ball of iron, of not less than four nor more than six inches in diameter, attached, which chain shall be securely fastmed to the ankle of such convict with a strong lock and key; and such keeper, or other person, having charge of such convict, may, it necessary, confine such convict while so engaged at hard labor, by other chains, or other means, in his discretion, so as to keep such convict secure, and prevent his escape; and when there shall be two or more convicts under the charge of such kesper. or other person, such convicts shall be fastened together by strong chains, with strong locks and keys, during the time such convicts shall be engaged in hard labor without the walls of any jail or prison.

And this penalty, revolting, humiliating, debasing as it is, subjecting a free American citizen to the public sneers and contumely of his oppressors, far worse than within the prison walls, where the degradation of the punishment is relieved by its privacy, is to be borne from two to five long years by the men of Indiana and Ohio, of New England and New York, of Pennsylvania and the far West, who dare in Kansas to declare, by speech or in print, or to introduce therein a handbill or paper, which declares, that "persons have not the right to hold slaves in this Territory." The chain and ball are to be attached to the ankle of each, and they are to drag out their long penalty for exercising their God-given and constitutionallyprotected freedom of speech, manacled together in couples, and working, in the public gaze, under task-masters, to whom Algerine slaveholders would be preferable.

Sir, as this is one of the laws which the Democratic party, by its platform, has resolved to enforce, and which the President of the United States intends to execute, if need be, with the whole armed force of the United States, I have procured a specimen of the size of the iron ball which is to be used in that Territory under this enactment, and only regret that I cannot exhibit also the iron chain, six feet in length, which is to be dragged with it, through the hot summer months, and the cold wintry snows, by the Free State "convicts" in Kansas. [Here Mr. C. exhibited a large and

has been that, as there was no State's prison heavy iron ball, six inches in diameter, and

Mr. Chairman, if the great men who have passed away to the spirit-land could stir themselves in their graves, and, coming back to life and action, should utter on the prairies of Kansas the sentiments declared by them in the past, how would they be amazed at the penalties that would await them on every side, for the utterance of their honest convictions on Slavery. Said Washington to John F. Mercer, in 1786:

"I never mean, unless some particular circumstance shou'd compel me to it, to possess another slave by pur-chase, it being among my first wishes to see some plan adorted by which Slavery in this country may be abolished by law,"

Said Jefferson, in his Notes on Virginia:

"The whole commerce between master and slave is a continual exercise of the most unremitting despotism on the one part, and degrading submission on the other." * loaded, who, permitting one half of the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the amor patrim of the other! Cau the liberties of a nation be thought secure, when we have removed their only firm basis—a conviction in the minds of the people that these liberties are the gift of God? That they are not violated but by his wrath? Indeed, I tremble for my country when I reflect that God is just, and his justice cannot skep forever.

Surely such language, in the eyes of a Pro-Slavery jury, would be considered as "calculated" to render slaves "disorderly." And surely, in the language of the President and his party, "the law must be enforced." Come, then, "Sheriff Jones," with your chain and ball for each of these founders of the Republic, and, manacled together, let them, as they pursue their daily work, chant praises to "the great principle for which our revolutionary fathers fought," and of which the defenders of the Nebraska bill told us that law was the great embodiment.

Said Mr. Webster, in his Marshfield speech, in 1848:

"I feel that there is nothing unjust, nothing of which any honest man can complain, if he is intelligent, and l feel that there is nothing of which the civilized world, if they take notice of so humble an individual as myself, will reproach me, when I say, as I said the other day, that I have made up my mind, for one, that under no circumstances will I consent to the extension of the area of Slavery in the United States, or to the further increase of slave representation in the House of Representatives.

And again, in 1850:

"Sir, wherever there is a particular good to be donewherever there is a foot of land to be staid back from hecoming slave territory-I am ready to assert the principle of the exclusion of Slavery."

Said the noble old statesman of Kentucky, Henry Clay, in 1850:

"I have said that I never could vote for it myself; and I repeat, that I never can and never will vote, and no earthly power ever will make me vote, to spread Slavery over territory where it does not exist."

Surely this, too, conflicts with the law of Kansas. Hurry them, Judge Lecompte, to the chain-gang; and as they commerce their years of disgraceful and degrading punishment, forget not to read them from the Nebraska bill that "its true intent and meaning" is "to le ave

but PERFECTLY free) to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

There is another portion of this act to which I wish to call special attention. It is the succeeding section to the above, (sec. 3, p. 147:)

"Whenever any convict shall be employed at labor for any incorporate town or city, or any county, such lown, city, or county, shall pay into the Territorial treasury the sum of fifty cents for each convict, for every day such convict shall be unagged at such labor; and whenever such convict shall be employed upon pricate king, at la bor, it shall be at such price each, per day, as may be agreed upon with such keeper, or other person, having charge of such, and the proceeds of said labor shall be collected by such keeper, and put into the Territorial

Not content with the degradation of the chain-gang, a system of white slavery is to be introduced by "private hiring;" and the "convicts," sentenced for the exercise of the freedom of speech and of the press, are to be hired out during their servitude, if their "keeper" sees fit, to the heartless men who this day are hunting them from their homes, and burning their dwellings over their heads. But "the laws are to be executed;" and though they are the offspring of the most gigantic fraud ever perpetrated upon a free people, if there is no change in the policy of the Government, and if the party which controls its action is not hnrled from power, we shall doubtless next year see Governor Robinson (if not previously executed for treason) with the iron chain and ball to his ankle, hired from the convict-keeper by Governor Shannor to do his menial service; or to be punished, if he disobeys his master's orders, like a Southern slave. And Judge Lecompte would have the privilege, too, and would doubtless exercise it, of having Judge Wakefield as his hired serf, dragging, for two or five years to come, his chain and ball after him, as he entered his master's presence, or obeyed his master's command. And Marshal Donaldson, with "Sheriff Jones," and Stringfellow, would not certainly be behind their superiors in the retinue of Free State slaves whom they could satisfy their revenge upon by hiring as their menials from the keeper of the Kansas convicts.

There are many things in this code of which I desire to speak, but which I will not have time to allude to, as my hour is rapidly passing away, and I must hasten on. It is worthy of notice, in passing, that in no place in this code is Slavery expressly established in the Territory. Instead of leaving the people of the Territory "perfectly free to form their own institutions," Slavery is taken to be an institution already existing, as if it were already established by the Congress of the United States. In this initial legislation of the Territory, it is treated as a heretofore recognised and permanent "institution." Thus, by page 60, slaves are to be appraised like other property of a decedent; ship on the Sabbath. They believe, it seems,

the people thereof perfectly free (not only free, tion for debt; by page 432, mortgages of slaves are to be recorded; by page 556, slaves are to be taxed by the assessors; by page 630, slave owners are to be accountable for trespasses by their slaves. But nowhere in the code is to be found a single line, or section, declaring that "Slavery is hereby established." I have no idea that, even if the Legislature of Kansas was to be conceded a legal body, Slavery this day has a legal existence in the Territory. But to expect such a decision from its courts, would be to look for mercy from a Nero.

As I was examining this Sahara of legislation, to find, if possible, one oasis, my eye fell upon chapter 74, page 323, headed with the attractive title of "FREEDOM;" and I rejoiced at the certainty of finding something worthy of approval in its provisions. But, alas! it is a fit associate for the rest. By it, it appears that "a person held in slavery" cannot sue for his freedom till he first petitions the court for leave to establish his right to freedom. If that leave is denied, whether he is legally or illegally held in slavery, no matter how clearly he could prove his freedom, yet, if the court withholds its permission, he has no alternative but to continue in slavery till death frees him from his unjust servitude. But if the court consent, he can only go on by giving security for the costs, when it is a conceded fact that, as a slave, he has not a dollar or a copper of his own in the world, and cannot even mortgage his own labor for indemnification of his security. On page 325, section 12, of this same law, there is a singular provision:

"If the plaintiff be a negro or mulatto, he is required to prove his right to freedom."

There can be only one fair, legitimate, inference from this-and that is, that it is considered quite possible that persons not negroes or mulattoes-in other words, white persons-may happen to be held in slavery in Kansas; but the requirement of the consent of the court, and security for costs, applies to them also; and, of course, section 14 adds: "in actions prosecuted under this act, the plaintiff shall not recover any damages" from the person who has been thus proven to have held him illegally, and perhaps for years, in slavery.

The code also, to be complete, provides for slave-flogging by law. By the one hundred and twenty-second chapter, on page 454, patrols are to be appointed by the county boards, who are to visit negro quarters, and to watch unlawful assemblages of slaves. If slaves are found at the latter, or strolling from one plantation to another without a pass, they are to suffer ten or twenty lashes. There is one exception, and, as I desire to do impartial justice to this code, I wish to say, to be placed to the credit of the men who enacted it, that that whipping clause is not to be construed to prevent alaves from going directly to or returning from divine worby page 298, slaves are to be taken in execu- in the "stated preaching of the Gospel," and

therefore that is excepted. But, sir, when visiting, on an adjoining plantation, a woman whom her master allows him to call his wife, till he chooses to sell her and her children to some distant slaveholder, the lash is the penalty, unless he is provided with a pass.

The Constitution speaks of the value and the necessity of "a well-regulated militia." And the bogus Legislature have taken pains to keep their militia "well regulated," indeed. They have not failed to keep the military force of the Territory in their own hands by some remarkable provisions, found on page 419, chapter one hundred and ten, and very truthfully entitled "An act to organize, discipline, and GOVERN, the militia of this Territory." Not one solitary jot or tittle of power is given to the people of the Territory to elect even a fourth corporal of the militia. The Governor, sir, by this law, appoints the generals and the colonels. The colonels appoint the captains. The captains appoint the sergeants, the musicians, and the corporals. And all the people have to do is to say Amen! and train when ordered. Precisely such an experiment as this was tried in Indiana some years ago, and all went off happily and smoothly until it came to the people's turn to train; which all over the State they very unanimously declined to do. There was no Lecompte in Indiana to indict the whole State for treason, and the whole matter passed off as an excellent joke, that offended no one, officers or people. But a Lecompte sits on the Kansas bench, and

But there is more in this chapter than meets the eye at first. It provides, in the first place, (see page 420,) that the Territory shall be divided into military divisions, and that each brigade shall consist of not less than two nor more than five regiments. It is not supposable, of course, that, in the early settlement of the Territory, there will be more than two regiments in each brigade, especially as there are two divisions of militia in the Territory, and not less than two brigades in each division. And now, sir, if you will turn to section 12, page 421, you will find that, by its cunningly-devised provisions, one half of the people of Kansas are to be under training orders of their superior officers, bound to go wherever those officers command them, UPON THE VERY DAY OF THE ELECTIONS in the Territory! That clause reads:

to refuse to obey this law is treason in his eyes.

"Suc. 12. That on the least Saturday in the month of Agstat, in every year, the colonel or commanding officer of each regiment and separate battalion shall, by written or partied deveriments, put up or distributed fideren days leaves said day, call out all compact and stat officers where said day, call out all compact and stat officers distible place, where they shall be formed and drilled in 'ompany order by the commandant; and at said readeztous the commandant hall give to the officers public noice of the place where the regiment or battalion shall week, while place shall be within his district, and the time to each briguit, shall meet at ten clock in the forence on the first Monday in Crobert" &c.

It adds that the next regiment in each brigade is to meet the ensuing day. In order that there may be no misunderstanding or denial that this is the regular election day, I quote from chapter 66 of the Code, page 280:

"Spn. 1. On the first Moulay in October, in the year one thousand eight hundred and fifty five, and on the first Mouday in October, every two years thereafter, an election for delegate to the House of Representatives of the United States shall be held, at the respective places of holding elections, in the Terminoy of Kansar.

sections, in the first Monday in October, in the year one thousand eight hundred and fifty-six, and on the first Monday in October in every year thereafter, an election for Representatives of the Legislative Assembly, and for all other elective offices not otherwise provided for by law, shall be held, at the respective places of holding elections,

in this Territory.

"Sgs. 2. On the first Monday in October, in the year one thousand eight hundred and fifty-seven, and on the first Monday in October every two years thereafter, an election shall be held, at the respective places of holding elections, for members of the council.

On the very day of the election, thereforewhich in every other State of the Union is something like a Sabbath, so far as ordinary business is concerned, and men are permitted to choose their own officers and legislators as they see fit, untramelled by any power upon earth, and when men, in many States, are exempt from arrest for all offences but felony, to aid to the furthest extent in leaving the people perfectly free in the exercise of the freeman's most priceless right, the elective franchise-these citizens of Kansas are to be summoned forth by their superior officers, wherever they may choose to march them, subject to the penalties of an instant court martial, if they do not obey. For section 13 says, page 423:

"If a non-commissioned officer, musician, or private, shall be guilty of disobedience of orders, or disrespect to an officer, during the time he shall be on dury, he shall be tried by a court-marial, and fined, not less than five dollars, nor more than twenty dollars."

There is no provision in this chapter by which these officers, appointed by the Governor, are to supply the privates with tickets of an orthodox character, to be voted under their "orders;" but the selection of election-day for training day is a coincidence that is obviously not accidental. The authority given by French generals to the army to vote as they please, but if they vote, they must vote for Napoleon, is to be re-enacted in Kansas; and even if the freemen of Kausas, under training orders as they are, should vote as they please, despite the reign of terror existing there, and the angry denunciations of their officers, they can be kept by those officers, as it was doubtless intended they should be, under such orders as will prevent them from protecting their ballotboxes against the invasion which is, doubtless, this fall-as so often before-to crowd them with fraudulent votes.

Section thirteen of this same law brings all the Sharpe's rifies on the ground, where the "superior officers" can take possession of them under color of law, without fear of their contents:

"That it shall be the duty of every non-commissioned officer and private who owns a rifle, musket, or fire-lock, to appear with it in good order at every parade."

The whole country has heard, sir, of the section of the election law which allows "inhabitants" to vote at the general election, without requiring them to have resided in the Territory a single day; and of the test oaths to sustain the Fugitive Slave Law and the Nebraska Bill, which are intended to shut out all men opposed to both from the ballot-box. And I will quote it from page 282, because I desire to contrast its provisions with another:

"SEC. 11. Every free white male citizen of the United States, and every free male Indian who is made a citizen States, and every tree mate indicat who is hister a citizen by freaty or otherwise, and over the age of twenty-one years, who shall be an inhabitant of this Territory, and of the county or district in which he offers to vote, and shall have paid a Territorial tax, shall be a qualified elector for cave pane 2. Periiofiai ax. snail of a quantizer reco-all elective officers; and all Indians who are inhabitants of his Terriory, and who may have adopted the customs of the white man, and who are liable to pay taxes, shall be deemed citizens: Provided, That no soldier, seamon, or marine, in the regular Army or Navy of the United States. marile, in the regular Army or Navy of the United States, shall be entitled to vote, by reason of being on service, therein: And provided, further, That no person who shall have been convicted of any violation of any provision of an act of Congress, entitled 'An act respecting fugitives from the contest. from justice, and persons escaping from the service of their masters, approved February 12, 1793; or of an act to amend and supplementary to said act, approved 18th September, 1850; whether such conviction were by crim-inal proceeding or by civil action for the recovery of any penalty prescribed by either of said acts, in any courts of the United States, or of any State or Territory, of any of-fence deemed infamous, shall be entitled to vote at any election, or to hold any office in this Territory : And pr vided, further. That if any person offering to vote shall be challenged and required to take an oath or affirmation, to be administered by one of the judges of the election. be administered by one of the judges of the election, that he will sustain the provisions of the above-recited acts of Congress, and of the act entitled 'An act to organize the Territories of Nebraska and Kansas, approved May 30, 1834, and shall refuse to take such oath or aftirm ation, the vote of such person shall be rejected."

Merely being an "inhabitant," if the person is in favor of the Nebraska bill, and of the Fugitive Slave Law, qualifies him as a voter in all the elections of the Territory affecting National or Territorial politics. The widest possible door is opened for the invaders to come over and carry each successive election as "inhabitants" for the time being of the Territory. But, turn to page 750, and notice the following provision (section 8) defining the qualifications of voters at the petty corporation elections of Lecompton:

"All free white male citizens who have arrived to the All free white male citizens who have arrived to me full age of twenty one years, and who shall be onlitted to vote for Territorial officers, and who shall have resided within the city limits at least six months next preceding any election, and, moreover, who shall have paid a city tax or any city license according to ordinance, shall be eligible to vote at any ward or city election for officers of the city."

Being an inhabitant a day elothes a person with the right to vote for Delegates in Congress, and Representatives in the Legislature; but to vote at an insignificant election, in comparison, six months' residence is required! Am I wrong in judging that this inverting the usual rule, shows that Missourians are wanted at the one election, but not at the other? If any one deems this opinion unjust, let him study the following sections of the General Election Law, page 283:

"SEC. 19. Whenever any person shall offer to vote, he shall BE PRESURED to be entitled to vote.

"SEC. 20. Whenever any person offers to vote, his vote may be chillenged by one of the judges, or by any voter, and the judges of the election may examine him touching his right to vote; and if so examined, NO EVIDENCE TO ON. TRADICT SHALL BE RECEIVED."

Certainly these provisions explain themselves, without comment.

I will now invite your attention to a contrast in the penal code of this Territory, singular in its character, to say the very least. Section five of the act punishing offences against slave property, page 604, enacts as follows:

"If any person shall aid or assist in enticing, decoying, or persuading, or carrying away, or sending out of this Territory, any slave belonging to another, with intent to procure or effect the freedom of such plave, or with intent to deprive the owner thereof of the services of such slave, he shall be adjudged guilty of grand larceny, and on con-viction thereof shall suffer death, or be imprisoned at hard labor for not less than ten years."

A person who, by a pro-slavery packed jury, is convicted of siding in persuading out of the Territory a slave belonging to another, is to suffer at least twice as severe a penalty as he who is convicted of committing the vilest outrage that the mind of man can conceive of on the person of your wife, sister, or daughter! Nay, the contrast is still stronger. The jury, in the first instance, are authorized even to inflict the punishment of death-in the latter, see page 208, the penalty is "not less than five years." Such is the contrast in Kansas between the protection of a wife's or daughter's honor and happiness, and that which is thrown as a protecting ægis over the property of the slaveholder!

Again, on page 208, you will find that the ruffian who commits malicious mayhem, that is, without provocation, knocks you down in the street, cuts off your nose and cars, and plucks out your eyes, is punished "not less than five nor more than ten years;" the same degree of punishment that is meted out in section seven of the above act, page 605, on a person who should aid, or assist, or even "harbor," an escaped slave !

On page 209, you will find that the man who sits at your bedside, when you are prostrated by disease, and, taking advantage of your confidence and helplessness, administers poison to you, but whereby death does not happen to ensue, is to be punished not less than five nor more than ten years," though it is murder in the heart, if not the deed. And this is precisely the same penalty as that prescribed by the eleventh section (quoted in my remarks above, on the five violations of the Constitution) against one who but brings into the Territory any book, paper, or handbill, containing any "sentiment" "calculated," in the eyes of a Pro-Slavery jury, to make slaves "disorderly." The man who takes into the Territory Jefferson's Notes on Virginia can be, under this law, hurried away to the chain-gang, and manacled, arm to arm, with the murderous poisoner.

On page 210, the kidnapping and confinement of a free white person, for any purpose, even, if a man, to sell him into slavery, or if a woman, for a still baser purpose, is to be punished "not exceeding ten years." Decoying and enticing away a child, under twelve years of age, from its parents, "not less than ix months, and not exceeding five years." But decoying and enticing away (mark the similarity of the language!) a slave from his master, is punished by death, or confinement, not less than ten years. Here is the section, page 604:

"SEC. 4. If any person shall entice, decay, or early away out of this Territory, any slave belonging to another, with intent to deprive the owner thereof of the services of such slave, or with intent to effect or procure the freedom of such slave, or be shall be adjudged gaility of grand larceity, and, on conviction thereof, shall suffer DEATH, or be imprisoned at hard labor for not less than ten years."

I had hoped to find time to cite and comment upon other sections in this code, but I will quote but one more, showing that, while a white man is compelled to serve out the penalty of his crime, at hard labor, these slaveholding legislators have, in their great regard for the value of the slave's labor to his master, enacted that a slave, for the same offence, shall be whipped, and then returned to him. Here is the section, which I commend to the consideration of those who, while defending these laws, nickname the Republicans "nigger-worshippers." It is found on page 252:

"Sec. 27. If any alary shall commit petit larceny, or shall stead any near cattle, sheep, or hog, or be quilty of any misdemeasure, or other effecte punishable unfor the provious of this act only by fine or impressment in a comvious of this act only by fine or impressment in a comty jail, or by both such line and imprisonment, he shall, y jail, so the provious of the provious of the prosent period of the provious of the provious of the simple. By imprisonment in a county jail not exceeding centry-one day, or by stripes not exceeding the tenty-one,

at the discretion of the justice."

Such, sir, is an impartial analysis of the code of Kansas, every allusion to which has been proven by extracts from the official copy now in my hand, and in quoting which I have referred, in every instance, to the page, the number of the section, and its exact words; and I think that the strong language at the outset of my remarks, in which I denounced this disgraceful and tyrannical code, has been fully justified by the proofs I have laid before you from its pages. Let it not be forgotten, Mr. Chairman, that it is because the people of Kansas-an overwhelming majority of the actual settlers there-refused to obey these enactments passed by a body of men elected by armed mobs of invaders-that they have been delivered over to persecutions without parallel, and to all the horrors of civil war.

Had I time, I would desire to refer to the reckless and rathless violation of plighted faith in the repeal of the Missouri Compromise, which opened the door for legislation like this; to the entire absence of any protection by the President to the settlers against personal outrage; to the repeated invasions by which the whole machinery of legislation was usurped, but the fruits of which the President uphilds by cannon and bayonet, with proclamations and prenatise; to the causes which led to the ciril

war that has existed in that Territory; to that most aggravating of all insults by which the very Jones who headed an invaling party of Missourians at one of the polls, and with his revolver at the breast of an election judge, gave him five minutes to resign or die, was commissioned as a Sheriff, to ride booted and spurred over the people whose rights he had thus assisted in striking down; and many other things that make the blood of the great mass of freemen at the North course, as it never before coursed, through their veins. But I must allude, before concluding, to the mockery of relief held out to the people by the President and his coadjutors.

In his special message to Congress, on the 27th of January last, the President spoke thus:

"Our system affords no justification of revolutionary acts; for the constitutional means of relivering the people of unjust administrations and laws, by a change of public agents and by repeal, are Aume."

And in his speech, as reported in the Union of June 10, made to the Buchanan ratification meeting, who marched to the White House, he

coolly told them:

"There will be, on your part, no appeal to unwortily passious, no inflammatory calls for a second revolution like those which are occusionally reported as coming from men who have received nothing at the hands of their Government but protestion and political blessings, no declaration of resistance to the laws of the land."

But I will not stop to allude to the "protection and political blessings" which the people of Kansas have received from the "hands of their Government." It was bitter irony indeed.

Judge Donglas, too, at the same meeting,

speaking of the Kansas laws, declared as follows:

"Or, if they desire to have any of the laws repealed.

"Or, if they desire to have any of the laws repealed, let them try to earry their point at the polls, and let the majority decide the question."

Never, sir, was there a more signal instance of "holding the word of promise to the ear, and breaking it to the hope." Where are the "ample" means of obtaining relief from the unedurable tyranny that grinds down the Free State men of Kansas into the dust? How can they "carry their point at the polls?" Let facts answer:

 The Council, which passed these laws, has extended its term of service till 1858, and that, if the entire representative branch was unanimous for their repeal, the higher branch has the power to prevent the slightest change in them for two long years?

2. The Free State men in Kansas are absolutely shut out from the polls by test oaths, which no one with the soul of a freeman, who traces all the outrages there directly to the enactment of the Nebraska bill, can conscien.

tiously swear to.

3. Even if they do go there, and swear to sustain the Nebraska bill and the Fugitive Slave Lew, the election law is purposely framed, as I have shown, to invite invasions of Missourians, to control the elections in favor of Slavery.

4. They are driven from the jury-box, as well as disfranchised, and prohibited from acting as attorneys in the courts, unless they take the test oath prescribed by their conquerors.

5. Free speech is not tolerated. They are left "perfectly free to form and regulate their domestic institutions in their own way," except, if they speak a word against Slavery, they are convicted of felony, and hurried to the chain-

gang.
6. The presses in the Territory, at Leavenworth and Lawrence, in favor of Freedom, have been destroyed, and the two last by the authority of the court of Judge Lecompte, thus "crush-

ing out" the freedom of the press.

7. Indictments are found by packed juries against every prominent Free State citizen; and those who are not forced to flee from the Territory, are arrested and imprisoned, while those who have stolen from Free State men, tarred and feathered them, burned their houses, or murdered them, go at large, unpunished.

In such a state of affairs as this, to talk of going to the polls and having the laws repealed, is worse than a mockery. It is an insult. It is like binding a man hand and foot, throwing him into the river, and then telling him to swim on shore, and he will be saved. It is like loading a man with irons, and then telling him to run for his life. The only relief possible, if Kansas is not promptly admitted as a State, which I hope may be effected, is in a change of the Administration and of the party that so recklessly misrules the land : and that

will furnish an effectual relief. As I look, sir, to the smiling valleys and fertile plains of Kansas, and witness there the sorrowful scenes of civil war, in which, when forbearance at last ceased to be a virtue, the Free State men of the Territory felt it necessary, deserted as they were by their Government, to defend their lives, their families, their property, and their hearthstones, the language of one of the noblest statesmen of the age, uttered six years ago at the other end of this Capitol, rises before my mind. I allude to the great statesman of Kentucky, Henry Clay. And while the party which, when he lived, lit the torch of slander at every avenue of his private life, and libelled him before the American people by every epithet that renders man infamous, as a gambler, debauchee, traitor, and enemy of his country, are now engaged in shedding fictitious tears over his grave, and appealing to his old supporters to aid by their votes in shielding them from the indignation of an uprisen people, I ask them to read this language of his, which comes to us as from his tomb to-day. With the change of but a single geographical word in the place of "Mexico," how prophetically does it apply to the very scenes and issues of this year! And who can doubt with what party he would stand in the coming campaign, if he was re-stored to us from the damps of the grave, when they read the following, which fell from his lips

in 1850, and with which, thanking the House for its attention, I conclude my remarks.

"But if, unhappily, we should be involved in war, in civil can between the two parts of this Confederacy, in which the effort upon the one side should be to restrain the introduction of Stavery into the new Territories, and upon the older side to force its introduction there, what a recognite the should be well of the state of th spectacle should we present to the asionishment of ma-kind, in an effort, not to propagate righ s, but—I must say it, though I trust it will be understood to be said with 1.0 design to excite teeling—a war to propagate wrongs in the Territories thus acquired from Mexico! It would be a war in which we should have no sympathies, no good wishes—in which all mankind would be against us; for, from the commencement of the Revolution down to the present time, we have constantly reproached our British ancestors for the introduction of Slavery into this country."

APPENDIX.

Below will be found extracts from speeches made during the present session of Congress, by Democratic members, all of whom are actively supporting Mr. Buchanan's election; and four out of the five are Northern Democrats.

The following is from the speech of Judge WARNER, of Georgia, delivered in the House of Representatives on the 1st of April, 1856; and not only corroborates one of the Northern arguments against the extension of Slavery, (that it exhausts and blights the soil,) but also proves that even if Kansas was conceded to the "peculiar institution," it would still need more, and

would demand more:

"There is not a slaveholder, in this House or out of it, but who knows perfectly well that whenever Slavery is confined within certain special ' limits, its future existence is doomed; it is only a question of time as to its final destruction. You may take any single slaveholding county in the ' Southern States, in which the great staples of cotton and sugar are cultivated to any extent, and confine the present slave population within the limits of that county. Such is the rapid natural increase of the slaves, and THE RAPID EXHAUSTION OF THE SOIL in the cultivation of those crops, (which add so much to the com-' mercial wealth of the country,) that in a few years it would be impossible to support them within the limits of each county. Both master and slave would be starved out; and what would be the practical effect in any one county, the same result would happen to all the slaveholding States. SLAVERY CANNOT BE CONFINED Within certain specified limits WITHOUT PRODUCING THE DESTRUCTION OF BOTH MASTER AND SLAVE. IT REQUIRES PRESH LANDS, plenty of wood and water, not only for the comfort and happiness of the slave, but for the benefit of the owner. We understand perfectly well the practical effect of the proposed restriction upon our rights, and to what extent it interferes with Slavery in the States; and we also understand the olject and purpose of that interference. If the less of their rights, and their honor, as coequal 'States, to be willing to submit to this proposed restriction, for the sake of harmony and peace, they could not do it. There is a great, overruling, practical necessity which would prevent

people of Georgia have assembled in convention, and solemnly resolved that, if Congress shall pass a law excluding them from the common Territory with their slave property, they will disrupt the ties that bind them to the Union."

The following extracts are from the speech of Judge Douglas, delivered in the Senate, March 20, 1856, and published in the Washington Union, (tri-weekly edition,) of April 3d. 1856:

"In reply to all of this, I have only to say, that the majority of the committee are of the opinion that things should be called by their right names-that revolution should be checkedthat rebellion should be put down-that insurrection should be suppressed-and that the Government should use with firm hand and steady nerve whatever force may be necessary to maintain the supremacy of the laws against all organized resistance, from whatever quarter it may come.

"In this connection it is worthy of remark that the particular acts of the Legislature which have been forcibly resisted, and for violation of which the prisoners have been rescued from the officers, are not the same laws that are represented as being barbarons and oppressive. Of the vast number of enactments affecting almost every relation in life, and filling a volume of nearly one thousand pages, only two are complained of as being unjust and oppressive. These are the statutes in regard to the elections and slaves.

"All of the others, so far as we have been informed are ENTIRELY UNOBJECTIONABLE, and well adapted to the promotion and protection of the

best interests of society."

"A word or two more on another point, and I will close. My colleagne has made an assault on the President of the United States, for his efforts to vindicate the supremacy of the laws. and put down insurrection and rebellion in the Territory of Kansas. In my opinion, the President of the United States is entitled to the thanks of the whole country, for the promptness and energy with which he has met the crisis. It was his imperative duty to maintain the supremacy of the laws, and see that they were faithfully executed. It was his duty to suppress rebellion and put down treason. colleagne says that it will be necessary to catch the traitor before the President can hang him. My opinion is, that, from the signs of the times, and in view of all that is passing around us, as well as at a distance, there will be very little difficulty in arresting the traitors-and that, too, without going all the way to Kansas to find them! [Laughter.] This Government has shown itself the most powerful of any on earth in all respects except one. It has shown itself equal to foreign war or to domestic defence-equal to any emergency that may arise in the exercise of its high functions in all things except the power to hang a traitor!

it. They ought not to submit to it upon prin- jority and minority reports from the Committee ciple if they could, and could not if they would. on Territories were made to the Senate, Judge "It is in view of these things, sir, that the Douglas, in the course of a reply to remarks by Mr. Sumner, spoke as follows: - (See Daily Con-gressional Globe, March 13th, 1856, 5th column of second page.)

"The minority report advocates foreign interference; we advocate self-government and noninterference. We are ready to meet the issue; and there will be no dodging. We intend to meet it boldly; TO REQUIRE SUBMISSION TO THE LAWS and to the constituted anthorities; TO REDUCE TO SUBJECTION THOSE WHO RESIST THEM, AND TO PUNISH REBELLION and treason. I am glad that ' a defiant spirit is exhibited here; we accept the

' issue." On the 26th of May, 1856, Senator Pugh, of Ohio, a Northern Democrat, speaking of the Kansas Code of Laws, remarked :- (See Appen-

dix to Congressional Globe, page 610.) "Sir, I regret the necessity for such legislation; but wherever Slavery exists as an institution.

laws of that character must be adopted."

This was spoken in that portion of his re-marks directly following and commenting upon the 11th section of the act punishing offences against slave property, quoted in the foregoing speech under the head of the second violation of the Constitution.

On the 13th of May, 1856, J. GLANCY JONES, of Pennsylvania, one of the leading Democratic members of the House, and a champion of the interests of Mr. Buchanan, then a candidate before the Democratic National Convention, about to assemble, defended him against speeches that had been made against him. [I would add, that all the extracts in this Appendix are from editions of speeches revised by their authors.]

"All such accusations as these against Mr. Buchanan, are answered by thirty-six years of 'devotion to the Constitution of the United ' States.

"They are answered by the fact, that, twenty years ago, in the Senate of the United States. he was among the first Northern men to resist the inroads of Abolitionism.

"They are answered by his opposition to the circulation of insurrectionary documents, through the mails of the United States, among the slaves of the South.

"They are answered by his determined sup port of the bill admitting Arkansas into the American Union.

"They are answered by his early support of 4 the annexation of Texas.

"They are answered by his PERSEVERING support of the Fugitive Slave Law.

"They are answered by his energetic efforts to effect the repeal of the law of the State of ' Pennsylvania, denying to the Federal authori-' ties the use of her prisons for the detention of fugitive slaves.

They are answered by his EARLY and unyielding opposition to the Wilmot Proviso.

They are answered by every vote he gave in the American Congress on the question of Slavery, and by the fact, that, of all Northern men, he On the 12th of March, the day that the ma- 1 he has been among the most prominent in asserting and defending a strict construction of the 'Federal Constitution."

This speech was extensively circulated; and, it is believed, did more towards effecting Mr. Buchanan's nomination at the Cincinnati Convention, three weeks afterwards, than all other efforts in his favor combined.

The following extracts are from the speech of Mr. CADWALADER, of Pennsylvania, another prominent and influential friend of Mr. Buchanan's, delivered in the House, March 5th, 1856:

"We are soon to be divided into sixty, or, more probably, seventy States, if the normal conditions of our country's progress can be fulfilled. These conditions of our progress, and of its attendant happiness and prosperity, cannot be fulfilled unless the legislation on the subject of Slavery in the * Territories is to be regulated, under the Constitution, with a due regard to the rights and interests of the slaveholding States, which the Constitution purports to secure."

" After the Mexican war, an attempt was unsuccessfully made to apply again the principle of these partitions to new territorial acquisitions. This attempt failed, because, as I will presently have occasion to show, local considerations rendered the principle inapplicable. We were driven by necessity to adopt here the nominal principle of common possession with common enjoyment. But as the Mexican laws locally in force had excluded Stavery from these Territories, the application of this principle to them was illusory, so far as any possibility of participation in their further settlement by slaveholders might be concerned. Property in slaves was thus, in effect, excluded wholly from their limits."

The principle of the former partitions having become inapplicable, and slaveholding settlers having been altogether excluded from this territory, the slaveholding States were, of right, entitled to AN INDEMNIFICATION for their loss, if it could be afforded BY GIVING THEM ACCESS, WITH THEIR SLAVES, TO OTHER TERRITORY. If such access could be given without any violation of existing rights of others in such territory, there could be no just cause for its denial. This was true, although their ' exclusion from the territory acquired from Mexico might have been the result of unavoidable causes, for which the United States were not responsible. Equal participation in the beneficial enjoyment of THIS territory having become impossible, and the whole benefit of its enjoyment having, from the first, engred to one class of its common proprietors, the other class ought to receive AN IN-

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DEMNIFICATION from some other portion of the common property. This PRINCIPLE was the more! basis of that praiseworthy legislation of 185 which the Chairman of the Committee on Ter. ritories has most injudiciously denominated a conspiracy against Freedom.'

The above argument completely overthrow. the plea that the Nebraska bill of 1854 wa framed in accordance with the principles of the Compromise of 1850. Mr. C. contending that by leaving the Mexican laws in force in the Ter ritories legislated for in 1850, Slavery was kept out of them, and that the Nebraska bill of 1854 was "AN INDEMNIFICATION" to the slaveholder " for their loss" in the former Compromise !]

But here are two more extracts from this sam speech, which may throw light on "the true intent and meaning of the Nebraska bill:

"To the northward of the latitude 40°, climate ' and other considerations made Slavery pract cally out of the question. To the southward of 36° 30', on this side of the Rocky mour ' tains, except in that portion of what was take from Texas and annexed to New Mexico i 1850, the institution of Slavery is now established ' From all parts of our country to the westwar of the Rocky mountains, it is excluded. 'exclusion is probably permanent. The Terri tory of Kansas, lying westward of the State ' Missouri, between the parallels of latitude 37 and 40°, is, therefore, now the only space in which the question of Slavery is to be regarde. ' as of any practical importance.'

"The guestion is, whether the force of a nr ' merical majority from the Northern States ca be rightfully exercised, in order to deprive ou Southern brethren of the privilege OF FREE ACCESS WITH THEIR SLAVES, TO THIS TERRITORY -- & Ter ' ritory, be it remembered, within degrees of lat. tude which, to the eastward of its limits, include already five slaveholding States, and much mor land of slaveholders than land from which Sla very is excluded."

"Should Kansas become a slaveholding Terri tory, AND ULTIMATELY BE DIVIDED INTO TWO O THREE SLAVEHOLDING STATES, Nebraska and Min nesota must nevertheless be divided into ten o eleven non-slaveholding States. [?] It should be our hope and prayer that these future State may be organized in such a manner that the inhabitants may retain the good-will and fello ship of the people of the slaveholding States, as ' maintain the stability of the Union."



SPEECH

OF

-HON. JACOB COLLAMER, OF VERMONT.

Delivered in the Senate of the United States, April 27, 1858.

The Senate having under consideration the report of the committee of conference on the disagreeing votes of the two Honses on the bill for the admission of the State of Kansas into the Union—

Mr. COLLAMER said:

Mr. PRESIDENT: I do not propose, at this time, to occupy the Senate at any great length; but I shall endeavor, as succinctly and as distinctly as I can, o state, in the first place, why I, together with those who act with me, opposed the Senate bill, without going into the argument on its meris; and, in the second place, why we voted for the amendment of the House of Representatives; and, in the third place, why we cannot vote for the proposition now offered.

First, as to the Senate bill : its substance was. if adopted, that it admitted Kansas into the Union as a State under the Lecompton Constitution. without any further action of the people. Our objections consisted essentially in these: that that Constitution was framed by a Convention which was the fruit and result of usurpation and fraud; that the usurpation which had been instituted originally, continued so as to deprive the people of the opportunity of free voting on the subject of calling a Convention; that an unfair and imperfect census was taken, by which a arge part of the people were deprived of the ance of voting for delegates; that the Constitation was formed in defiance of the will of the people, as manifested in their then recent election for a Territorial Legislature, and was made, phint of fact, only by those who acted in and pived of it, by a minority of those originally ed to the Convention; that the Constitution professed to be presented to the people in a uised and deceptive form; that the people the nselves were deprived of the opportunity which had been promised to them, of passing on the whole Constitution; that an election

was held, wherein they professed to obtain some six thousand votes for the Constitution with Slavery; that an election for State officers was made under that Constitution by officers not in any way appointed by the people, and unknown to the law; that that election was fraudulently conducted; and that, besides all this, the people, at an election held on the 4th of January, by virtue of an act of the Territorial Legislature, by a very large majority, repudiated it. These, put together and aggregated, constituted our objec-tion to the Lecompton Constitution; and for these reasons we considered that it ought not to receive the attention of Congress; that the State should not be admitted under it; and that it was not entitled to be regarded in any measure as a Constitution presenting the views of the people of Kansas.

In all these respects the Senate, by a large majority, voted us down. Our objection was not merely that the Constitution had not been submitted to the people. We insisted that, in point of fact, the people had, on the 4th of January, under lawful authority, voted directly to reject it by a very large majority. That, to be sure, among others, was ground of complaint; but all these objections, and others which were presented by other gentlemen, were aggregated in the complaint. The Senate, however, decided that, in point of fact, the Lecompton Constitution was the Constitution of Kansas, so far as the action of Kansas was concerned; and that it was only for Congress to say whether they would accept it; that the people had made that Constitution legally by their delegates-not only formed it, but adopted it, and that the only question of difference existing there was one in relation to Slavery, which, as they said, was fairly submitted. They therefore passed a bill admitting Kansas as a State with that Constitution.

I next call attention to the amendment pre-

sented by the House of Representatives. was its character? Why was it voted for? So far us i could understand it, the substance of it, without recurring to particulars, insisted on three things: first, that the Lecompton Constitution should be submitted to a vote of the people, and if they adopted it, very well-it was to stand : but, second, if they did not adopt it, they should proceed, by a Convention, to form such a Constitution as they wished; and that, upon being ratified by the people, they should be admitted as a State with such new Constitution; and, third, in order to secure fair elections on the Constitution, a board was formed, consisting of the Governor and Secretary of the Territory, appointed by the President, and of the presiding officers of the two Houses of the Territorial Legislature, elected by the people; and this board was to direct and control the elections and their returns, pass upon them, and finally decide them. That was the proposition which came to us as an amendment from the House of Represent-atives. Nhy did we rote for it? In the first place, it would be sufficient for me to say that here were presented to us two alternatives on controversy that it commended itself to the acthe one hand, the Lecompton Constitution, which had been rejected by the people of Kansas, most imperatively and conclusively, and, on the other. an offer to submit it to the people, accompanied by a provision, that if they did not like it they might make another Constitution which they did like. Could there be any hesitation as to how we should vote in regard to these two alternatives? Could there be any doubt as to the choice we should make between them?

In the next place, if we voted against the House amendment, we deprived the people of Kansas even of the right of establishing a free Constitution; we left them to have the Lecompton Constitution imposed upon them, and gave them no opportunity to form a free one. Hence we voted for that proposition. Again, it was fair—it was fair even to those who claim that the people, in forming their Constitution, may make it a free-State or a slave-State Constitution, as they please, because it offered that op-portunity. That proposition was a very liberal step for those gentlemen to take-and there are some such in the country-who hold that the people, in the formation of a State Constitution even, have not the right to enslave their fellowmen. But those gentlemen, if any such there were in the two Houses, voted for it with great liberality. And why? First, because it was the best of the two alternatives offered to them. Next, because, after the knowledge of the vote of the 4th of January, disclosing ten thousand majority against this Constitution, there was every moral certainty that when the Lecompton Constitution, with Slavery, was presented to the people of Kansas, it would be rejected; and there was therefore no hazard in voting to give

them an opportunity of that kind. But, sir, we were induced to vote for the House amendment for a other consideration; and that is, that it provided a fair board by which elections were to be conducted. We said the pre-

What | by violence, and corruption, and fraud, but here was a chance to have them safely and honestly conducted; and so much security was felt in the board provided by the House amendment, that we were even willing to say, that when that board had supervised the election, appointed the officers, received the returns, and adjudicated upon those returns, the whole subject might be settled by the proclamation of the President, and we were led to the latter merely from confidence in the former provision.

But another consideration, and perhaps the most important of them all, was that the House amendment proposed a course of proceeding which would put an end to this controversy in either event and at all events. If the people of Kansas received and accepted the Lecompton Constitution by the vote of a majority, they were to be received; and if they did not, they were to call a new Convention and form such a Constitution as they pleased, and when that Constitution was ratified they were to be admitted. There was to be the end of the controversy. was because the House amendment did end the ceptance of those who voted for it on this side of the Chamber.

Now, Mr. President, I come to the next step: the proposition which is offered as a substitute for both those bills-the proposition of the committee of conference. I do not propose to go into its details; but let us see whether it gives to those of us who voted against enforcing the Lecompton Constitution upon the people withou their consent, and who voted for the proposition of the House of Representatives, those leading features of security, and those objects which we desired to attain, which were given to us in the latter proposition. I will state its leading provisions. The first is, that the Lecompton Constitution shall be presented to the people of Kan-"Oh, no, sas for their acceptance or rejection. says the honorable Senator from Virginia, [Mr. HUNTER,] "it does not submit the Constitution to the people." The majority of the Senate, by the bill they have passed, decided that it was Constitution perfect, so far as Kansas was con cerned, not to be passed upon any further by the people; and he says this bill so treats it. understand it, it does not so treat it. It submita certain question to the people; that is, whether they will accept those land grants; and it pro vides that, if they accept those land grants, then and in that case, Lecompton shall stand as the Constitution; but it further provides, that if they reject that proposition in regard to the land grants, they reject the Lecompton Constitution Now, I ask, is it true, as the Senator from Vir ginia says, that that is consistent with any former action of the Senate? Does it not submit a question to the people by which they may reject the Lecompton Constitution? Certain does. Did not the Senate say, in the for bill, to those people, "it is all perfected on y side, and you shall have no opportunity to re Lecompton?" Yes, they did, unconditiona and I say they now propose a question to vious elections in Kansas had been controlled people by which the people may reject Lecond

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Lecompton Constitution to their vote! The two and you must vote against a favorable offer, in are utterly inconsistent; and there is no ingenuity or sophistry, though the gentleman may have much of the former, if not of the latter, which can by possibility disguise or blink this out of sight.

But, sir, as I said, this proposition provides for submitting to the people of Kansas a question in relation to land grants-whether they will accept a certain proposition in relation to lands. It further provides that, if they will not accept that, then, and in that case, Lecompton goes aside, and the people of Kansas are to remain in their Territorial condition for a length of time entirely indefinite. It says they may have a Convention when they have a sufficient number of people to entitle them to a Representative in Congress. That number is now ninety-four thousand; but, after the next census, in 1860, it may be one hundred and twenty or one hundred and fifty thousand; we know not. When that time will arrive, we know not. Then, the amount of it is, that it is an indefinite delay; it shall be indefinitely deferred.

Besides, it is as much as saying to them, "we make you this offer of land, but if you will not take this offer of land, liberal as it is, now, see the danger you run of never getting it." this same bill provides that a different board shall be created to direct and supervise the election. It proposes to add a member, the District Attorney, appointed by the President, to the Governor and Secretary, so that they shall have three-a controlling majority of that board over the presiding officers of the two Houses of the We view this as entirely unfair. Legislature.

The first objection that occurs to my mind is the form in which this question is attempted to be prescuted to the people of Kansas. This has been very well defined by the honorable Senator from Kentucky, [Mr. CRITTENDEN.] It is to put to them one question, by the answer to which they are to decide another question that has no relationship to it. You might as well put the question to that people, "will you vote that you will be freemen?" and now we say to you, "if you vote that you will be freemen, you shall have the Topeka Constitution; but if you vote that you will not be freemen, then you shall remain in a Territorial condition." There is no more relationship between the acceptance of this grant of land and the character of this Constitution, than there would be between the question proposed and the result that was to follow in the case I have just put. There is no necessary legal sequence or connection between the two questions. .. The proposition is therefore artificial, deceptive in its consequences. You put to a man the question, "Sir, will you take such grants of land; as a citizen of Kansas, are you willing to receive such grants?" "Yes," says he, "I au.", "Well, will you vote so?" "I do not see why I should not vote so." "Well, we tell you now. if you will vote to accept these grants, you shall take the Lecompton Constitution that you have rejected." In short, "if you will not vote against a favorable offer, you shall have imposed upon

ton; and yet you say that you do not subject the | you a Constitution to which you are opposed, order to get rid of an obnoxious Constitution. You must vote against what you desire, in order that you may get rid of a greater evil. If you vote for these grants which are acceptable to you, and liberal in their character, you do it at the peril of taking upon you a Constitution that you detest." It is the very manner in which the question is put to the people which is objectionable. It is artificial in its character; it is calculated to mislead.

We have complained a great deal that the Lecompton Constitution was submitted to the people in regard to the question of Slavery, in a certain manner, which was unfair, deceptive, and dealing in duplicity. That submission was this: "You may vote for the Constitution with Slavery, or for the Constitution without Slavery; but you have to vote for the Constitution, at any rate, which has Slavery in it in either case. Now, how is it here? We put to you the question, "Will you vote for these land grants? But now remember, if you wote for the land grants you are to have this slave Constitution, and if you vote against the land grants you are to have Slavery in your Territory without a Constitution." That is, you are to have a Constitution with Slavery, or Slavery without a Constiintion, but Slavery at any rate. That seems to me to be the way in which the question is put to them; because you hold that, under the Dred scott decision, it is a slaveholding Territory, and therefore, if the people vote for these land grants they are to take a slaveholding State Constitution, and if they vote against them, they are to endure Slavery under a Territorial form of government. That is the alternative. s-

The next objection I have to the manner in which this new bill presents the question is to the provision in regard to population. It seemed to be agreed on all hands, and it was provided in the bill passed by the Senate, that the numbers of the people of Kansas were sufficient to justify their admission. They had numbers enough to admit them two years ago, if they would make a Constitution to suit you. You thought they had numbers enough to admit them under the Lecompton Constitution; There are numbers enough of them now to justify their admission as a State, if they vote for this Constitution; but you give them to understand that there are not numbers enough, if they vote against this Constitution, to make a free one. We have here a proposition that Kansas shall be admitted if she will have a slave Constitution, and shall not be admitted if she will not have a slave Constitution. There are people enough to hold slaves, but not people enough to enjoy Freedom! This, it seems to us, is a palpable injustice-an entirely different affair from the House amendment.

In the next place, the proposition which is now before us produces no finality; it makes no settlement. It only makes a settlement provided they adopt the Lecompton Constitution, by voting in favor of these grants of land. That will make a finality; and that is the only finality under this proposition-a finality in one result. If the people do not vote to accept these grants, it provides for no finality, no settlement, but leaves things in statu quo by declaring that the people of Kansas shall remain under a Territorial form of government for an indefinite and unlimited period of time. I do not know that that part of the proposition will really have much practical effect. seems to me to be rather brutum fulmen, because I suppose Congress can at any time admit them, notwithstanding this declaration; but, after all, that is the effect it is intended to have on the minds of the people of Kansas. It is intended if this bill passes, that they shall noderstand that if they do not accept this proposition, this shall be a bar to their coming in until they have a certain population.

Another objection, and one to which I have alluded before, is that we are not content with this newly-constituted board to supervise the elections; we are not willing to take results produced under such supervision, so as to say that the President, upon the returns being made to him, shall issue his proclamation, and Kansas become a State, without those returns being submitted to our examination. If a hoard were constituted in the manner provided in the House amendment, we had so much confidence in that manner of constituting the hoard that we were willing to pass it; but we are not willing to have a board constituted in the manner provided in this hill, and trust in the result. The history of affairs in Kansas is such as leads us to he cautious on that subject. We all cannot but know, at any rate a large portion of ns are convinced, that the elections in Kansas have been, either by violence at the polls, or by frand and false returns afterwards, so conducted that a small minority of the people have been kept in power. I need not go over the evidences of this. The history of the transaction is full of them at

every step. There is another thing that we cannot but remember. Whatever officers, especially leading officers, who have been appointed in that Territory by the Executive of this Government, the President of the United States, have favored any degree of fairness to the majority of that people, have desired to secure them at all against the influence of violence and fraud, have incurred the Executive displeasure. This remark will apply, I think, to all the Government officers there who have evinced any fairness, whether we refer to Governor Reeder, Governor Geary, acting Secretary Stanton, or Governor Walker. cases where there has been manifested a disposition to do fairness, and to get rid of frauds, the officers who have manifested such a disposition have certainly incurred Executive displeasure and its consequences; and therefore we suppose that whatever officers are appointed by the Executive will read the history of their own fate in that of those who have preceded them, and will consult their own security in what they are doing. We believe we cannot find any safety in this proposition, when the majority of the supervising board who have charge of the elections is

Government of the United States; superseding and overriding the officers appointed by the people of Kansas. This is a feature which we regard as of vital importance, and to which we cannot consent. When I say that, I speak for myself, and not by authority from any of my associates, any further than I derive it from the action which I have already witnessed at their hands. I have no direct authority to speak for

Now, sir, the whole of this proposition amounts to this: it is saying to the people of Kansas, you may vote for the Lecompton Constitution, but if you do not have that, you shall have nothing. We are calling upon the people of Kansas to act on the great question of forming their Constitution-of forming, ratifying, or putting in operation, if you please, by their votes, the Constitution of their proposed State Government fundamental, it is the first great principle of selfgovernment. Now, you call npon that people to act on that subject, and do you seenre to them even what was promised in the Cincinnati platform? Its pledge was, that in forming a State Constitution the people should be left perfectly free to mould their institutions in their own way. Now, the people of Kansas are called upon to take action about the adoption of a Constitution, to pass a vote which shall put that Constitution in force, or reject it; and are they left free? They are trammelled up to that one single act, whether they will have the Lecompton Constitution or have nothing. They are not left free to form any Constitution they want, to shape any Constitution as they may desire it to be, in relation to any of their institutions. In short, the vote seems to be very much like the case of Napoleon III, who allowed the people of France to vote, not whether you will have an Emperor, not who will you have as Emperor, but will you have me for Emperor? That is all.

Mr. President, I wish now to say a few words in regard to the views presented by the honorable Senator from Virginia. He says this bill is in exact consistency with that which the Senate hefore passed. I have shown in one respect wherein it differs; but that is not all. was the trouble with that hill? He says that hill merely declared, in relation to the ordinance, that we did not ratify it; that we disclaimed it, and did not provide for the state of things that would result if the people of Kansas should not agree to this condition on which they were to be admitted; and, therefore, this hill goes on to provide for that contingency. Well, sir, if the bill which the Senate passed was obnoxious to that difficulty, why on earth did they pass it at all? If it was an objection that you ought to make provision for the contingency of the people in a Convention, or by their own votes, refusing to ratify the amended ordinance which you submitted to them, then why did you go on to pass a bill by which you admitted them on condition that they should not have the ordinance which the Convention had made? The Senator from Virginia says the difficulty is in regard to the ordinance proposing the terms on which the given into the control of officers created by the State shall agree to forego the right of taxing the public lands, if it has that right, and the grants in consideration of which it will yield that right. He says that is a matter on which the State should pass, as a people, by themselves, or by their delegates; and that, until they do that, you cannot admit them as a State, unless they have themselves delegated that power to their own Convention. Then, I ask, how came the Senate to pass the original bill, by which they jumped over all objections of that kind? I say this is a different thing, and inconsistent with that bill in that respect. But the truth is, all that amounted to nothing, for the ordinance is no part of the Constitution. They claim certain grants of land. If we receive them under their Constitution, without disclaiming the ordinance, we make the grants; but the bill passed by the Senate provided that they should be admitted on condition that the ordinance should be of no effect, and further provided that nothing contained in the bill should exclude toem from claiming what had been granted to Minnesota, (which is what is now offered,) or prevent Congress from making grants whenever it chose. Was not that left right? I see no objection to that part of the bill; there never was any objection made to that on this side of the Chamber, I believe. Neither the people there nor anywhere else made any objection to it on that ground. No, sir, this is a mere device. There has never been any issue of that kind made in any quarter, by any man, or by any paper in Kansas, here, or elsewhergh. It is altogether an after-thought, a device crooked up for this occasion.

The iconorable Senator from Virginia claims that this very proposition does that which would settle this controversy, as he thinks. Well, then, he must think they are going to adopt the Lecomption Constitution, I suppose; but he hardly intimates that. He hardly believes they will do that. What then? It will leave Kansas in a Territo rial condition, and then, he says, we shall have a guaranty of peace for three, four, five, or hix years. Wherein is that guaranty of peace? May mot, and will not, the same controversy continue in Kansas as heretofore? Shall we have bey not continue to call Conventions, and ask by as mission into the Union when they please? cleatainly; but ob, it is said, we have provided to that they shall not be admitted until they are the proper number. That, however, does not present Congress from admitting them, nor reent them from asking for admission. Every one of contention, every apple of discord, every only of a liftenity which has ever agitated Kan-ts or tile country on this subject, remains, and fill remain until they are admitted as a State. t is valin to suppose that we are going to localthe quarrel now, any more than we have suc-eeded in doing so heretofore. The people of is Union, in all parts of it, particularly in the orth and South, have taken too deep an interest the out their participating in it, in interest at least. will partake in it. Hence, this proposed bill Ill leave, and it does leave, at any rate in one reilt, all the difficulties open to perpetual agitation.

Mr. President, disguise this matter as we may, there is one fact of wbich, I think, we must be morally convinced, that the Lecompton Constitntion is abhorrent to the views and feelings and opinions of a large majority of the people of Kansas. I doubt whether a man can be found who will question that fact. The very message which the President of the United States has sent to us on the subject, imports that. He says that the people of Kansas were so strangely attached to the Topeka Constitution that it was of no use to submit to them any other, for they would reject it; and it was not submitted to the people because it would be rejected. So it is in relation to the action of the delegates to the Convention who had promised to submit the Constitution to the people, and did not do so. After all, why was it that they did not submit it to the people? Can any man present any other possible reason, than because they knew the Constitution would be rejected? The vote which was taken on the 4th of January, even if you count on the other side all the votes given on the 21st of December, leaves no possible doubt about it. I suppose that all the people in Kansas who desired to have the Lecompton Constitution, voted for it, either with or without Slavery, on the 21st of December. Six thousand votes were returned as having been cast on that occasion. I do not think more than half of them were really cast, but call it six thousand. I suppose that about all the people of Kansas who desired to reject that Constitution altogether, voted against it on the 4th of January-more than ten thousand. Under these circumstances, can there be any reasonable doubt as to the views of the people of Kansas? at all. Viewing it in that light, I consider it altogether wrong to resort to any contrivances, any devices, any expedients, on the part of Congress, to endeavor to get rid of that expression of the will of the people, and to fix upon them, in any way, a Constitution that we know they do not desire.

This proposition is subject to all the exceptions I have made to it, and yet more. It proposes to submit the question to the people of Kansas at such a time, in such a form, and under such peculiar circumstances, that we must see that it is intended, at least it is well calculated and ingeniously devised, to secure, if possible, the success of the Lecompton Constitution, whether the people really desire it or not. Among the other means which may be counted upon for possible success in this vote is the improbability of getting the people to vote against a proposition for lands, which proposition they like, because a Constitution may follow. Is it not operating as a blind on the people? "Here is a fair and liberal proposition of land to you; do you not like it?" Every man may say, "I like it." Then comes the question, "Will you vote for it?" "No; I will not vote for it, because I will have to take such a Constitution with it." Is it to be expected that every man in Kansas will understand that? Is not the very manner in which the question is presented to him calculated to disguise the real question, and to delude him?

Again, we know that that people have been

harassed and dragooned, and continued under all sorts of violent oppressions which the forms of law would allow, for many years in succession. I need not go over the story, of the violence and the wrongs which they have suffered; but they have suffered, and that long and severely. They very much need repose. Now, you propose to them that they may have repose. How? If they will take Slavery. Otherwise they are to have no repose, no security, but are to be subjected to a still longer continuance of their sufferings, and to endure longer tribulation.

In the next place, it may be counted that they will vote for it, because all those who desire the places of Senators and Representatives and Governors and Secretaries and Treasurers and other offices, all those who hope for and have some reasonable expectation of succeeding in obtaining some of these offices, desire to get Kansas in a State form as soon as possible. You will have all that weight to obtain a particular slaveholding Constitution, though it is not the Constitu-tion the people desire. Besides, you have the assistance of the Territorial officers appointed by the Executive. They well know what the ruling majority here desire to effect. They know that they desire to effect the adoption of the Lecompton Constitution. That is perfectly understood by the Governor, the Secretary, the Marshal, the District Attorney, the land officers, and all the other officers of this Government in the Territory of Kansas. All their aid is to be counted upon. That would not be so, if it were submitted to the people to make such a Constitution as they desired. That would be an entirely different effect, and then the action and influence of these officers might be entirely neutralized.

Further, instead of saying to the people of Kansas, "you may settle this question by forming such a Constitution as you want," this proposition gives them no such opportunity. It is so framed as to present to the world this view; "The majority in Congress have always desired to have this matter settled, but the Kansas people want to keep it up, and the Abolitionists try to make them keep it up. Now, we have offered to let them make a State Constitution if they please; that is, to take the Lecompton Constitution; but they have coolly rejected it." This being done, it may be argued, "Can we not say to the whole world, do you not see that it is the Kansas people that try to keep the question open? they would not adopt the Constitution we offered them;" and they must incur displeasure and prejudice for trying to keep the question open, when you have given them no opportunity fairly to close it.

There is another consideration to which this proposition addresses itself, calculated to give it success. The people of Kansas have been told by the Executive of the United States, that if they would only get to be a State, specially if they would get to be a slave State, it would be the shortest and quickest road to obtain a free State, because they have the right any day to alter the Constitution, and can do it immediately. The President told them so. The report of

the Committee on Territories, who presented the bill passed by the Senate, substantially endorsed the same doctrine; and gentlemen here say it is contained in the Lecompton Constitution, although that Constitution provides for one mode of amendment, which mode is, that it may be amended after 1864, by a two-thirds majority in both Houses of the Legislature, and then submitting the amendment to the psople—an impracticable mode.

Now, the people of Kansas are to be presented with this question, in the form of which I have spoken, under this sort of assurance. I have no doubt that it is expected, certainly it is very well calculated, to induce that people to vote for the Constitutiou; and, indeed, in a recently-published letter of Governor Robinson, he says, that if there was no doubt as to how the certificates would be given to the officers chosen at the electiou which has already taken place, he thinks it would be well even to have the Lecompton Constitution put on them, because they would have the controlling power; and he says; that people are fatigued with their long political agitation, and in need of rest, and desirous of going about their industrial pursuits. Is not this whole proposition well calculated to secure a vote of that long-oppressed people, desirous of peace, even for what they do not want? The truth is, it ad-If they dresses them on motives of that kind. follow it, they will certainly be delucted. so sure as the Lecompton Constitution as put into effect and operation, it will not be altered and amended. If they attempt to amend it immediately upon its being put into operation by the action of the newly-elected Legislature, the Gov ernor would veto the act. The Free-Starte peo ple have not got two-thirds of the Legizslature and they are not to have it anyhow. "The at tempt to amend the Constitution will be stopped but if it were to go on, whenever that resolve itself into a judicial question, as it may cat an time, and is presented to the Supreme Court of th United States, it will no doubt be decided that the people cannot alter their Constitution countrat to the provisions of that Constitution. be held that it is a sort of national complact b which people have come into the government the majority on that condition; and being tthus the nature of a compact, it is incapable of being changed, except agreeably to the terms of the compact itself. They will be deluded in that and I suppose, indeed I know, that thits is we calculated to delude them. Whether it's will de so effectually, time must determine.

I have very little hesitation in saying that whatever may take place, if this quest on of as cepting the land grants is presented to the people under this bill, rely upon it, Mr. Pregoldent-I speak merely from the lessons which side his tory of Kansas has taught me—a majoritiy will be returned in favor of accepting the land tyrans I say that a majority will be returned for it, it all human probability, whatever the actual volume to the control of the c

people will vote against it; but I say the returns will show a majority the other way; and when I say that, I speak merely from the lessons taught me by the history of Kansas itself.

There is another matter that equally bears on this proposition, and addresses itself to us on this occasion. An election has been held under the Lecompton Constitution; and if the people accept these land grants with this condition, of course, then, I take it, they are to abide by that election. Now, can anybody tell me what is the result of that election? Does not the final and ultimate determination of it rest with a certain Mr. Calhoun to-day? Is it not altogether within his hands and under his control? Most unquestionably it is. If the people do as they may do under this proposition, and as it is calculated to have them do-accept the Lecompton Constitution under the belief that the certificates of election are to be actually issued to a majority of the representatives of the Free-State people, they will certainly be deluded.

I have attempted to show that all these motives and purposes are presented, by the arrangement of this bill, calculated, not to carry into effect the true wishes of the people of Kansas, but to frustrate and evade them, and obtain, in point of fact, from these motives and considerations, a vote of that people, by which they shall take upon themselves this slave Constitution, abhorrent to their feelings.

Mr. President, I do not wish to detain the Sentate longer. I have stated the reasons why, in the property of the people of this great and discerning nation, lovers of justice as they are, we shall view, we cannot vote for this bill that is bill that is now preleget this proposition.

sented here, whenever it shall come up properly, proposed by the committee of conference. It is utterly inconsistent with all the views we have entertained, and utterly inconsistent with the votes we have given in relation to the House amendment. I do not know but that, if it be presented to them, the people of Kansas will manifest a continuance of the virtue and endurance they have heretofore displayed, by which they will disregard all the motives and inducements here held out to them, hold on their way, and go on enduring even unto the end, rejecting this proposition. It is possible that such may be the result of their discernment and their virtue: but I think we have little reason to expect that such will be the result. Certain I am, that hone of these gentlemen who contrived this bill, and devised the form in which it is presented, expect to have any such result. At least a strong hope is entertained that it will secure the purposes for which it is designed by these contrivancessecure success to the Lecompton Constitution, whether the people desire it or not.

whether the people desire it or not.
Viewing it in this light, regarding it in this view, it seems to me that the thing itself, in its character and in all its sapeots, is utterly inconsistent with that conduct which becomes an American Senate—the Congress of a great people, whose conduct should be distinguished for directness, for frankness, for justness, for fairness, not for cunning and device. Sir, I think, if we intend to secure the confidence and command the respect of the people of this great and discerning nation, lovers of justice as they are, we shall

PREPARE FOR THE FALL ELECTIONS.

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MAY 1, 1858.

THE KANSAS CONFERENCE BILL.



SPEECH

HON. J. J. CRITTENDEN, OF KENTUCKY,

Delivered in the Senate of the United States, April 27, 1858.

Mr. President, I wish, with as little con- | changed the views which were entertained sumption of the time of the Senate as possible, to set forth the reasons which, upon the fullest consideration that I have had the opportunity of giving to this subect, constrain me to vote against this report. In some respects, undoubtedly, the amendment proposed by the committee of conference meets my cordial concurrence. I was opposed to the admision of Kansas upon the basis of the Lecompton Constitution, because I thought hat instrument not only did not express he will of the people of Kansas, but was gainst their known will and wishes; and moreover I thought it had been made by raud and political trickery. I opposed, herefore, the enforcement of that Constiution upon the people of Kansas. That was the main point of controversy then. bentlemen on the other side regarded it s being presented in all the forms of law, ad said that those forms of law through which this question had passed in the Territory of Kansas, precluded us from ny examination beyond them. I suposed that forms were only intended to romote and ascertain the truth-not that hey confined and crushed the truth, and recluded all examination into it.

I was opposed to enforcing this instrunent upon the people against their will, ad stained, as I supposed, with fraud. ther gentlemen took different views of he case, and insisted upon its prompt nd immediate adoption, and the absolute dmission of the State into the Union pon it. The committee of conference, by the Senate at that time, and have now agreed to abandon the Lecompton Constitution, so far at least as to submit it to the people of Kansas now for their affirm-

ation. So far we are agreed.

But, sir, in making that submission to the people, certain consequences are attached to it, which I think, are an unjust, an improper encumbrance upon the free right of the people to choose their institutions for themselves. In the bill substituted by the House of Representatives in place of the Senate's bill, there was a fair submission of the Lecompton Constitution provided for, and the people were told, "if you affirm this, very well; it is all at your discretion; a matter of choice with you, free, uninfluenced, fair; choose as you please; and if you choose to reject this Constitution, as not satisfactory to you, a Convention of the people of the Territory shall immediately be called, to make such Constitution as is satisfactory: and upon that Constitution's being made, and upon a reference of it to the people, if they shall affirm what the Convention has done, the President of the United States, being made acquainted with the fact, shall announce it by proclamation, and thereafter the State shall be considered as one of the Union.

That is the bill which the Senate has voted against. The committee of conference, abandoning, as I say, the enforcement of the Lecompton Constitution as an absolute one, and the admission of the State as an absolute admission, come to their consideration of the subject, have our ground, so far as to agree that that

instrument shall be submitted to the people. The committee of conference say it shall be submitted to the people; but how submitted? In the fair, open, unencumbered manner that it was to be by the bill of the House of Representatives? No, sir.

I have said that this new amendment proposes the submission of the Constitution. I am substantially correct in that statement. Literally, however, it is but a submission of certain grants of land which have been habitually made by Congress, upon the formation and admission of new States-grants for school purposes, grants for a university, grants for establishing a seat of Government. It submits these grants, and the condition upon which they are made, to wit, that the State accepting them shall not be at liberty to interfere with the disposal of the public lands or to impose taxes upon them-it refers this formal part of the instrument of admission to the people. It submits to them the question, are you willing to take these grants of land or not? That is the only question to be submitted to the people, but by legislation a consequence is to flow from their action perfeetly arbitrary in its nature, and altogether illogical in the conclusion. If they are willing to take the land, it is to be inferred that they are willing to take a Constitution which is known to be obnoxious to them; and if they reject the grants of land for any reason, or without any reason, then they are to be considered as rejecting the Constitution. Here is a side issue, or a collateral consequence, infinitely more important than the direct question propounded to the people.

Now, sir, why is this? It is in effect, I grant, for I do not wish to stand on mere formalities or technicalities, a submission of the Constitution to the people. It is a sort of feigned issue out of Congress. That issue the people are to try. The world, looking at that issue, might say: "Well, what of this; what do you say about the Constitution; there is nothing here about it?" Oh, well, but we will annex, by law, a legal consequence, though no man would ever think of deriving it.as a legitimate and logical consequence; and that consequence shall be, if you take the land, you take another thing entirely distinct from it-a certain Constitution. You agree to waive all complaints and all the denunciation of the complaints and all the denunciations.

your objections to what you regard as obnoxious charac inoxious pa if you take the lan .. If you do not w the land, or if you reject it because i not as much as you desire or as much you hoped for, then you shall be conered as rejecting the Constitution, thou you may, in fact, be satisfied with it. this a fair submission of it to the peop You say to them, in effect, "vote for t obnoxious Constitution; agree to put ! little yoke on your necks; and you sl be rewarded for it with lands without li almost."

Sir, is not that offering a temptatic They are to have the land if they acc the Constitution: if they do not, they Does it mean to hold not to have it. the idea that, by possibility, this is th last chance for obtaining that land; that having once rejected it in due for of law, this form of law shall be set against them as an estoppel-I think word we have heard so often is estoppe against their ever having any more las Will the world consider it fair? Will people of the United States consider it fa If the people of Kansas are entitled vote upon the Lecompton Constituti they are entitled to it in virtue of tl right of self-government; they are entit to it in virtue of that great sovereign p ular right, by virtue of which every G ernment that we represent here star We have no right to diminish, no right control, no right to encumber it. their right, and you have no right to an penalties or conditions to the exercise Although I have no idea that it is intention of Congress to withhold fr them, at any time hereafter, these lan yet read this bill, and see if that is not impression it may make. At any re this is a great bonus offered to them immediate admission. This is calcula to take away from the submission the co plexion of fairness and equality; it is culated to take away from it the face justice.

More than that: not only is this rew to accompony one vote that they may g but there is another consequence. measure says to the people of Kans "If you choose to take this Lecomp Constitution, with all its imperfectious its head; if you choose to silence all

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which you have made against it; if you choose to humiliate yourselves as freemen by a confession of as much baseness as that would imply, then, no matter what your numbers are, we shall make no inquiry, but come into the Union at once, with all the dowry of land which we give our newly-admitted and infant States; you shall come in at once to the great family of sovereign States; you shall come into the Senate of the United States; you shall come into the House of Representatives; and you shall sit side by side with those great and mighty States which achieved the Revolution, and achieved the liberties which we here enjoy-come in and share with us the crown and the sceptre; accept these grants with this Constitution, and you shall do it instautly, and we will make no inquiry as to your numbers. eccept this Constitution, and all these things are yours; but reject it, and you shall not only not come in now as a sovereign State; but we will inquire into your numbers, and you shall not come in now under any form of Constitution, nor shall ou ever come in, under any form of Consitution, until your population shall amount to that number which is fixed by he general law as the ratio of representaon throughout the country."

Here, sir, are the benefits, and here are he penalties that are to attend upon the role to be given in Kansas. Is this a fair submission? Is it for us-guardians, if of nothing else, of the political morality of the country—to put such a temptation in he way of our people, those who are sub-ect to our laws, and must follow our biding? If these are unfair encumbrances upon the right of suffrage, is it not wrong a us to place this great free principle inder such trammels and encumbrances s we are now doing? So it seems to e, and, in my opinion, those who conder it candidly will come to the same ouclusion. If my friends, who have been a favor of the Lecompton Constitution, ad especially those who have been pposed to its submission to the people, hall look candidly at it, they will see, not mly that the submission which they op-0se has been granted, but see that that ubmission, and the vote which is to be

any portion of our people. Must not that be their conclusion?

Mr. President, anxious as I am to see this subject entirely settled, and this Kansas volcano extinguished, closed up, filled up forever, I would rather that these measures should all fail, and Kansas be left just where you found her, than where this bill would place her. To do nothing would place her where this bill would; but it would place her there without this injurious and unjust legislation on our part. This bill, if she refuses to accept the Lecompton Constitution, remits her to Territorial condition. She is now in a Territorial condition. She will remain in it if no legislation be adopted by Congress. What good, then, is this to effect? every gentleman here morally certain that all these temptations will fail, and that this Constitution will be rejected? I am perfectly certain that it will be rejected; she will be a Territory then, under the force of this legislation. She is a Territory now; and she will continue to be a Territory if this bill passes, and she rejects the Con-Then, what have we gained by Nothing; not a straw; not the dust in the balance in which the peace of the country is weighed.

Another and further distinction between the House bill and this bill is, that the House bill provided, in case of the rejection of the Lecompton Constitution, an immediate remedy for that, by calling another Convention, which Convention, before the next session of Congress, the bill supposed, would have formed a Constitution, which would have been acted upon, and we should come here finding Kansas a State in the Union-at any rate, the question put out of our hands; for if they rejected this, we provided the means of their making another. This bill says, if they reject this, there is no means of their making another, and they shall not have another; it shall be postponed indefinitely; and we here authorize them, when they have obtained a certain amount of population, but not till then, to make a Constitution, thus leaving this vexed and vexations question open, to pour out further troubles on the land.

To and the vote which is to be It abandons, theu—and that is all it best under it, are encumbered by conditions of the standard of the last of the las

than the House bill did on that point. In this amendment his friends say to all the rest it is faulty; in all the rest it is a poor, maimed imitation of the bill of the House, werse for every change that has been made, and by these very changes creating insuperable obstacles to prevent those who view it as I do from giving their concurrence to the report of this committee. I rejoice at it, so far as they go to abandon the Lecompton Constitution; but, sir, how strangely are the views changed upon this subject, which will be satisfied with this report of the committee. here? The President, in his special message, after arguing the question and recommending and urging us to adopt the Lecompton Constitution, among other reasons, says it is the shortest and quickest way to close up this Kansas question, and all the agitations that have grown out of it. That is one of the President's inducements. He tells us, that will be the consequence. He tells us, if we do not agree to it, dangerous results will follow. This was the argument here. What, now, do the committee of conference propose? They abandon the President, they abandon all his reasons, they abandon his recommendation, his anthority is, set at naught-and what do they do? After having given the President much reason to believe that, to this extent at least-that is, of shortening the method of settling the Kansas question-they concurred with him in opinion, as the arguments of gentlemen did on the original bill, they now turn round and say it is far from their purpose to adopt the shortest and the quickest way for the admission of Kansas, to dent to guard this election, will constitu quell all these disturbances, and to quiet a majority, and can decide anything a the land, by admitting her into the Union; everything, and have the election in th that is not their purpose at all; now they own hands. We know that this mat say to her, if she does not take this thing, of regulating elections has been one she shall not come into the Union; she the great causes of jealousy and suspici shall wait, how long I do not know—the and complaint in Kansas—I need not a President does not know. All the celeri- how justly, for that is not in question ty of movement to a particular goal is laid but we have evidence enough unque aside; and now, if the President concurs tionably to show that the public min in it, as if it were in resentment on his there has been full of jealousy, full of st part, which I would not attribute to him- picion, of those who regulated their ele but resentment itself could not have dic- tions. It has been charged that they co tated a course more calculated to avenge trolled them by pretended votes, by fal the wrong of refusing the Lecompton returns, or by one unfairness or anothe Constitution absolutely, than the one at the polls-polls which were governed which is now proposed, that unless they entirely by party judges. The bill of the take it they shall not come into the Union House proposed to take them out of the

mit it to the people. It does no more for an indefinite time-by the adoption President, and by this report the comi tee of conference say to him, "we do care whether that time is long or she we do not agree with you, sir, on question of the Lecompton Constituti or a continuation of all difficulties, and the disturbances, and all the perils wh have grown out of it in the count That is the action, that is the legislati of Congress, if this report be adopted.

> I do not wish unnecessarily to enla on this subject. I have stated the m reasons why I cannot vote for the rep-It seems to me to be in perfect con nance with the prejudices and suspiciwhich have been excited in Kansas, t the committee of conference propos change in the board to govern the el tion which the bill of the House presci ed and authorized. That authorized f commissioners, the Governor, and Sec tary of the Territory, two officers of President's appointment, and two ir viduals of the Territory, who might be, one the President of the Council, and other the Speaker of the House of Rep sentatives of the Legislature. Anyth of them were to constitute a board. No ing therefore could be done in the box without one of the President's appoint being there, or one of the people's appoin ees being there. Here the board is incre ed to the number of five, and another offi of the President's appointment-the I trict Attorney of the Territory-is add making five, any three of whom may a so that the judges, appointed by the Pre

hands of party altogether, so that neither agitation throughout the land, that we deshould have any right to complain. It sired to suppress the evil, and her admisproposed to have a power above party in this particular to govern and control this election. We chose men who, by their official stations, stood high, and whose integrity might be relied upon; but this committee propose to add a fifth, which destroys the character of impartialitythat character calculated to repel suspicion, and repel jealousy. This is comparatively a small affair, and I would give very little consequence to it; but the other is the main ground of objection, as it seems to me. It is not fair; it is not equal; it is not just.

I ask my friends of the South, if the case were reversed between the North and the South, what would the South say to such a mode of submission? What would the South say to the North, if the North proposed to her, "we will submit this Constitution; we will say that if you accept it we will give you land; we will give you immediate admission into the Union as a State; we will say to all the aspirants in the Territory, 'you who want to be Senators, you who hope to obtain that honored place, you who want to be Representatives from the new State, (and these are generally the first and influential citizens,) to you we offer immediate admission, and the immediate opportunity of obtaining these cherished and hoped-for honors; but reject it, and you shall be indefinitely postponed." That is not fair. What would the South say if the case: were reversed, and the North were to put this form of question to a proposed State that had a majority in favor of Slavery and a slave State? Would they not think it very hard? I would. I would spurn it: I would resist it resist it to the uttermost! I would demand for those of my section a fair election upon equal terms.

You have waited too long for the application in this case of a rule requiring a certain population before Kansas can be admitted. I believe, as far back as the last Congress, the bill of my friend from Georgia [Mr. Toombs] proposed to authorize them to come into the Union with the numbers they then had. I voted for to Kansas, on the ground not merely of may aid, I trust have aided, I hope will right on her part, but because she was the long continue to aid, in strengthening

sion was thought to be the best mode of doing it. The proposition for her admission in that bill, I am certain, was founded upon and moved by these patriotic and just considerations, on the part of my friend from Georgia, even then. As long as there was a hope of establishing the Lecompton Constitution arbitrarily on these people against their will, did anybody hear any serious objections made to it on the ground that they had not the requisite population? No, sir. It is now only announced; and, coming in this way, it does come as a penalty upon the All our legislation has been people. based on the idea that in this exceptional case, to guard against the mischiefs that Kansas had created throughout the country, we would take her into the Union, bind her in the Federal chain, and leave her to herself, to drag that chain along as she could or might; to have upon her all its obligations, to govern herself, and to govern herself at her own hazard; and thus, to use a familiar expression, localize all the trouble she might create among her own people, and confine it to them. We have pursued that policy; we have proceeded upon that concession upon every side, and by every one; we have legislated upon it throughout, up to this moment; and now, for the first time, after these long concessions, disfranchisement is threatened; the penalty of being remitted indefinitely to a Territorial condition is held out, if the people do not accept a Constitution that we know is obnoxious to them.

I say, Mr. President, that it does not appear to me that this is fair: and although'I belong, as every man must do, to some part or some section of the country, I want to see justice done. My experience teaches me that justice alone is a lasting foundation, in public or in private life, for everything dear and valuable. It is the only sure, unshakable, imperishable foundation, and upon that basis alone. can the connections and relations between States and nations be calculated on as permanently settled. Nothing else will it; and we made this exception in respect do. The affections of the human heart source of so much trouble, and so much this permanent foundation which Justice

herself has made; but these are transitory and changeable. Circumstances may create a flow of kind feelings; circumstances may produce a fatal end to them. They will not do for a foundation. Like a foundation that is laid upon the sand, or upon the water, it is unstable, changeable. Justice is eternal, everlasting. If you want to secure it, the attempt merelyto get up a good feeling for the moment is not sufficient. It may be a remedy partially, for a day or for an hour; but that is not what we want. We want something that shall last. That is justice. Justice will quiet everybody.

Then, is this justice? You want to quiet all these agitations. So do I; no man more than I. Anything and everything that was in my power would I do to accomplish the object. Let us try impartial justice-no crimination, no retaliation. Do justice. Upon that we can stand firm, and defy all the accidents and chances of time or circumstance. That is my mode of giving security to the North and to the South, to the East and to the West; and without it there will be no permanent peace, there will be no tranquillity. Evil generates nothing but evil; injustice generates nothing but injustice; and her steps are constantly from bad to worse. Now, I ask, is this right? Is it just? That is the question the Senate ought to consider. Each gentleman can resolve it for himself. I have given the reasons which have guided me to the solution of that question at which I have arrived.

We hear, Mr. President, a great deal about this section and that section, and a man's allegiance to one section and another section. Within a certain limit and scope, this language is allowable enough; but, sir, take my case. What is the position of my State? I know, in the sort of political geography which has been made of our country, in spite of its natural geography, the extremes of North and South have swallowed up all the States; but what propriety is there in this? Is there not a great Western section, geographically, as well as a Northern and a Southern section? In my country we call ourselves Western men. Geographically we have that position in this Union. You have an extreme to the North, with its peculiar employments and its peculiar to which I have alluded? Their interest,

opinions. A different state of things exists at the extreme South. You are both upon the ocean; but where are we? We are in the Great West-we are the Great West." Though not equal at this time, in point of population, to either the Northern or the Southern section, we are destined to be more in population than both of them put together-destined to have more of the surplus of the products of the earth in our hands than all the rest of the United States; occupying the most fertile region of the world in all that is necessary for the subsistence and comfort of mankind; and, in the language of that famous French writer, De Tocqueville, occupying a region the finest and the most glorious that the Almighty ever made for the habitation of man. That is our country in the West. We touch no ocean; we are interior. We lie in no connection with the North; we are far from the South.

What peculiar interest does this geographical position of ours give us? North and South may occasionally have their passions excited to think that one or the other would be better off in the case of We know that; we have a dissolution. seen some sympsoms of it, unhappily for us all. We have heard the expression of such sentiments. These are the sentiments of extremes, far separated, with different institutions, and, to some extent, different interests, leading occasionally to harshness of feeling on either side. When a tariff is refused, perhaps Northern men think they would be better off without the Union. The South has occasionally thought, you know, that she would be better off without you. All these opinious may be honest, but all these variances of sentiment lead to one deplorable effect-the breaking of our great Union, the destruction of the mightiest hopes of man, the destruction of the mightiest hopes that all mankind might derive from our example of public liberty and public prosperity.

For the reasons I have mentioned, North or South may be occasionally of opinion that their interests would be benefited by a separation-opinions honestly, it may be patriotically, entertained; but what must everlastingly be the sentiment of that great Western region of country

if I may call it so, their peculiar interest, is the Union. There never can be a time when any one of us in that section can think it is our interest that this Union should be destroyed. I ask gentlemen here, coming from the region of which I speak, how many men are there that you have found in that region who countenance for a moment the idea of disunion? They are all of one mind-instinctively of one mind. Instinctively they understand their interest; and that is the great pervading motive of mankind, on which alone durable relations can be established. What is your interest, you of the West? I have painted your condition feebly, and your productions. What are you to do? Are your products to rot upon your hands, and to be the cause of pestilence among you? No; but it must be so, unless you can find vent for them somewhere. Where are you to go? If a dismemberment of the Union takes place between the North and South, you are opposed to that, forever opposed to it, because it is to take away from you one of the means of access to the ocean and to the world, and to the marts of the world, for the sale of your productions. If there was a division between the North and South, the West might be occluded entirely either from going to the markets of New York or going to New Orleans, without being subject to tolls and taxes; and could that be borne? It would be a mighty burden for them to bear. It is their interest to avoid that burden. It is their interest, their peculiar interest, and must ever remain so, to keep the Union together, in order that they may have that mighty scope of free trade which they now enjoy. They will always have more to sell than any other equal number of people on the face of the earth. They have more than would glut New Orleans, more than would glut New York, if it could all be poured there. We want all these accesses. In our very position there is a local, a natural, a destined patriotism, so far as the Union is concerned. We must be found in it. Our prosperity, I may say, if not our existence as an agricultural people, depends on the preservation of the Union, and all the means for exportation and for commerce that both

ducts which are not to be consumed in our own country. We are enlisted and bound by an everlasting and perpetual bond of interest to stand by and protect the Union for the sake of the commerce, and for the sake of the freedom of trade which it, and it alone, secures to us. This is our peculiar interest. The North may have its; the South its; this is ours. You of this region ought to consider yourselves as bound by this interest, if possible, to superior care and vigilance over its preservation. We, having this interest always to guide us, an instructive as well as a judicious guide, standing between these two extremes, ought to take care that justice be done by one extremity to the other. We have no interest, gentlemen of the North and South, that is not yours, so far as mere union goes; but we have an interest beyond that; we have a material, a peculiar interest in the preservation of the Union of these States, for the sake of the trade and the market which it gives us. This ought to govern our actions. We should consider ourselves as the appointed guardians of this particular interest, having a deeper stake than others in the preservation of the Union, and bound to stand together in every fretful moment of discontent between the North and South, to see that equal justice be done to both and to all. This is the position which I feel for my-

self and my brother Senators who represent that section of country; and I wish it were so that these great political truths were known and recognised, even in half their value, by every man who lives in that region, much less every one who represents them. We should be then as a sentinel set up in the Constitution, to watch over the Union, for the sake of protecting that which we shall be sure never to forget-our local and material interests. That will keep us awake constantly. We can have no prejudices against North and South. Our prosperity, to a great degree, depends upon them. We hail and cherish them all as our fellow-citizens, all as parts of the grand whole which constitutes us a mighty nation, now talked of in all the courts of Europe as one of the great Powers of the the Northern and Southern sections afford. earth; and but a few years shall sweep We must go through both sections in over us, when, instead of being one order to find markets abroad for those pro- of the great Powers of the world, we

when our word and our law, our words of justice and our laws of liberty, shall be heard of and known throughout the habitable globe. What a glorious mission and what a bright day of prosperity is thus presented to us! Are we, the destined heirs and inheritors of such a mighty land as this is, to lower our thoughts to the practice of little arts and little policies, about the terms and conditions upon which a little feeble Territory is to be admitted into the Union? Are we to be distracted with this Lecompton question? Is it fit for the consideration of men, born as we are to such a mighty destiny-men from whose loins is to spring a generation who shall have a Government wider than imperial Rome possessed? Cannot we deal with these little things that disturb our peace, without allowing them to excite us into any acts that may even apparently be unjust or unequal-excite us to any unjust and fretful legislation on any subiect?

The very thoughts that are natural to a citizen of these great United States should prevent it. If he will but raise his eyes from the ground on which he treads, if he will lift up that face which God has given him to look to heaven, and look forward, is there not enough to swell the heart of the nation, to give it a dignity and consequence in its own contemplations, to raise

shall be ranked as the greatest Power; | icies of the day? We have only to think of ourselves, to appreciate ourselves, to act up to ourselves, and then tread in the paths of justice, disdaining to do anything but justice, equal justice-not only not to do injustice, and I am sure intentional injustice is not designed by any member-ro do not only justice, but to avoid the suspicion or appearance of injustice in our conduct towards the different parts of this great and mighty family. This is the object I have endeavored to accomplish, with but little effect, I know. I have acted in a spirit of entire abandonment of every selfish purpose and every selfish feeling. I may be altogether wrong in these views. I have done what I thought best for my country, and my whole country-best for every part of it. The best way of protecting the peculiar interest of every section is by doing equal justice; and that you may be sure I will always do, according to my conception, where the South is concerned. She shall have justice; the North shall have justice: every portion of my country shall have justice, as I understand it. It is in that spirit, a spirit inoffensive in itself to any one, that I have endeavored to make good my opposition to this Lecompton proceeding.

Mr. President, with these remarks, and thankful for the attention with which they have been received by the Senate, I will it above all the little mists and fretful pol- not trespass longer on their patience. "

WASHINGTON, D. C. BUELL & BLANCHARD, PRINTERS. 8) 1/4 1858.

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HON. WM. CULLOM, OF TENNESSEE,

ON THE

NEBRASKA AND KANSAS BILL,

THE HOUSE OF REPRESENTATIVES, APRIL 11, 1854.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1854.

E.M. Partier

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NEBRASKA AND KANSAS.

The House being in the Committee of the Whole on the state of the Union-Mr. CULLOM said:

Mr. CHAIRMAN: I am not entirely without legislative experience, but I think the House will attest my indisposition to occupy their time in the discussion of any question, unless I am impelled by a high sense of public duty to do so; and in the brief hour which I shall consume on this occasion, let me assure you I am not prompted by personal vanity, for I am one of those who believe that the public interest is generally best promoted by a silent vote, and a punctillous attendance on the business of the House. I regret that a sense of public duty impels me upon this occa-sion to depart from what has been my usual habit, not only in this body, but also in the deliberative assemblies in which I have served in my The importance of this question, own State. which has thus been unexpectedly thrust before the country, furnishes my excuse, however, for troubling the committee with any remarks at this time.

Mr. Chairman, when I took leave of my constituents, when I bade farewell, for a time, to the people of Tennessee, and came here to mingle my humble labors with those of the chosen Representnumber above with mose of the chosen Representatives of the American people, in the needful legislation of our then happy, harmonious, and prosperous country, little did I think that at such a period of general repose, when all sections of the Union were united in the bonds of fraternal friendship, when all parties had solemnly covenanted and agreed to cease the agitation of sectional questions, I should be called upon to take part in the discussion of this ill-advised and dangerous measure; this firebrand, thrust upon our deliberations. Sir, where is the great project of the Pacific railroad, a measure demanded no less by the public interest than by the public judg-ment? I came here prepared to contribute my humble aid to the consummation of that great work; but it is to be thrown in the background.

bors, and I had fondly hoped that something might be done to facilitate and give security to the commerce on the great lakes and rivers of the West. I had hoped, too, for a fair and just distribution of the public domain, now amounting to twelve or fifteen hundred millions of acres, and which has heretofore been granted in a partial and unequal manner to the more favored States. I had hoped that, by a united effort, we might have devised some plan, equitable and just to all, of distributing the public lands, or the proceeds thereof, among the States for works of internal improvement and to advance the cause of education; but in this, too, my hopes, and the hopes of my constituents, have been sadly disappointed by the untimely introduction of this unfortunate question. The numerous private bills upon your Cal-endar, founded upon just and honest claims, including the French spoliation bill, are all to be postponed; all sound and useful legislation is to be suspended by this nefarious project-the work of politicians, and the effect of which is to strangle the legitimate legislation of the country for their personal and party aggrandizement. this before high Heaven, and I should be a coward if I did not assert it and proclaim it to the country. I should not be a Tennessean if I did not assert

Several Members. Good! Good!

Mr. CULLOM. I should not be a worthy descendant of my mother State, Kentucky, if I did not here, in my place, denounce this scheme as a plot against the peace and quiet of the country, whether so designed or not.

Mr. Chairman, Kansas and Nebraska! Nebraska and Kansas! is the cry. These Halls are made vocal with the sound of these cant phrases. We are told that territorial governments must be given to those Territories, although Mr. Manypenny reports there are but three citizens in both of them. At the last session of Congress we refused to give them one government, but now we are told that two territorial organizations are ne-The country was looking with great interest to the needful improvement of our rivers and har-leighth section of the act of 1820, called the Missouri

compromise, must be repealed; a measure which was the work of our patriotic fathers, most of whom have now descended to the tomb; a measure which was passed in times of great public peril, and when the Union was in imminent danger, to quiet and assuage the angry feelings which sectional strife had engendered, and which did, happily, calm and subdue the sectional animosities of the day, and cement anew the bonds of our Union; a measure of such happy results that our fathers might well pledge their honor for its faithful observance, as they did by accepting and voting for it. The bill now before this House seeks to repudiate their plighted faith, and to pull down the work of their hands, which has stood as a monument of their wisdom and patriotism for thirty-four years; which has been cheerfully acquiesced in by all sections of the Confederacy, and for which the pure men of 1820 have been canonized in the hearts of the American people. This great measure of pacification is now, for mere party purposes, and party and personal advancement, to be trampled under foot; and gentlemen come here with their books dog-eared to make shrewd speeches upon the question, and to file their spe-cial pleas in justification of this mischievous and uncalled for assault upon the time-honored compromise of 1820. I proclaim here to-day that this Nebraska bill presents the naked question of repudiation or no repudiation of the faith and honor of the South, plighted by the act of 1820. You may talk to me about the bad faith of the I do not come forward, on this occasion, North. to defend the North. I am here to defend southern honor; and I would be the first to vindicate southern rights whenever and wherever violated or assailed. But I repeat, that the question now is, will we stand by the covenant of our fathers, by observing the compromise of 1820, and thereby maintain southern honor, the public tranquillity, and the integrity of the Union; or, shall we decide that the flood-gates of agitation shall be reopened, with all the evil consequences which must flow from it, to say nothing of the danger to the stability of the Union itself? Who can hesitate as to the side of such a question on which patriotism and good faith demand that we shall array ourselves? And, for what, I ask, is this proposition of repeal to be sustained? Is it to restore rights to the South which it lost by the act of Not so; for all agree that slavery cannot be maintained among the bleak hills of Nebraska, or on the barren plains of Kansas. It cannot advance any interest of the North; for all agree that these Territories must, from their climate, soil, and geographical position, be free. Who, then, is this exciting and dangerous movement to benefit? Your politicians. This bill, sir, should be upon the Private Calendar, and the title of it should be so amended as to read, "A bill to make great men out of small ones, and to sacrifice the public peace and prosperity upon the altar of po-litical ambition." Sir, I protest against my constituents being used as a spring-board to throw vaulting politicians into high positions.

Mr. Chairman, I hope to be respectful to all, for I can say, in all candor, that I have no unkind feeling towards any member of either branch of Congress; but I have a high public duty to perform, and though I would treat respectfully all those connected with this question, whether

agreeing with or differing from me, still I would rather tread upon the outer verge of partiamentary rule than, by a tame submission, be brought to the crumbling verge of a dissevered Union. I should be an unworthy and faithless sentinelif, from motives of faise modesty and timid forbearance, I refrained from sounding the alarm, foreseeing, as I do, the baleful consequences which must ensue from the adoption of this mensaure. Let the country rise up as one man and frow down this attempt to advance individual and party objects, under the flimsy pretext of doing justice to the South, when it can only jeopard a nation's peace; I repeat, sir, it can only serve for personal and party purposes.

personal and party purposes.

Mr. Chairman, let me ask you, and let me ask
every member here, if a voice or a petition has
come up from any quarter of this Union demanding a repeal of that ancient compromise? I have
heard no voice from my constituents, nor from the
State which I in part represent, demanding its
repeal. No public meeting of the people, no primay assembly, no convention to legislatudication
has no convention to legislatudication
has not been promised from the convention of the
has not been promised from the convention of the
has not been promised from the compromise of
1820. I demand here, this day, be know if a sinele voice from the people had reached this Hal
demanding a repeal of the Missouri compromise
before the introduction of this baleful measure?
Now, sir, we do hear this call, but not from the
people; and it sounds on our ears like a death
ken!

But it is said that the North has volunteered this offer of a repeal of the Missouri compromise to the South. I demand to know, in behalf of my constinents and my common country, who executed a power of attorney to the Senator from Illinois, the author of this bill, to make this offer, to reopen the fountain of bitter waters, and to renew the dingerous agitation which has heretofore well nigh severed this glorious Union?

If I may be allowed to borrow the language of the eloquent and chivalrous gentleman from Louisiana, [Mr. Hunt,] I will say that the South knows how to take care of its own honor, and to protect its own rights, whenever it considers them to be in danger. This movement was not them to be in danger. This movement was not authorized by the North, judging from the remonstrances on your table; and from the recent demonstrations in popular meetings and in the popular elections, I feel assured it was not authorized by the North. It had not been even dreamed of, so far as I can learn, except by a single mind, and that the mind of a northern man, and that man a disappointed presidential aspirant in 1852! Let the whole country remember that there is the starting point, the beginning corner. I repeat, that the author of this movement was a defeated, or, rather, a rejected presidential aspirant in 1852. Mark it; not as a " fore and aft," but as a beginning corner. [Laughter.] How does it happen that this gentleman is so tenacious of southern rights and southern honor? How does it happen that he loves the South more than the South loves itself? How does it happen that out of the whole South, no one had been found who loved the South so much as the Senator from Illinois? Think how many bold, chivalrous, and patriotic sons the southern States have sent up to Congress during the last thirty-four years, and yet they have suffered this old compromise to rest upon the statutebook, and have never so much as asked its repeal. But now a little presidential capital is needed, and I am required to vote for its repeal, right or wrong or be denounced and traduced, perhaps, by demagogues, for not doing what all my predecessors for thirty-four years have failed to do; and a tremendous effort is being made to lash the South into a furlous passion about a law which the South voted for and has acquiesced in for so long a period of time.

But, we have found another northern man with strong southern feelings. Ah! we have tried such before. Mr. Van Buren avowed himself to be a northern man with southern feelings, when he wanted southern votes for the Presidency. We are making a small experiment with another of the same sort just now, who was so southern in his feelings that it was thought almost treasonable to support General Scott, a southern man by birth and education, in opposition to him. Well, after the votes of the people are recorded, and the high position attained, we soon see who are his bedfellows. He calls around him a piebald Cabinet, ring streaked and speckled, embracing every extreme doctrine, and every ism known in the country; and gives the prime offices to Free-Soilers, as we learn from the speeches of his own party on the floor of Congress, to the exclusion of the true national men of that party, who have stood firmly by the compromises of 1850 and the Union. You will, therefore, pardon me, for a natural distrust of those who profess such unnatural affection for the South. If, indeed, these northern champions of southern interests really feel so much attachment for the South, we prefer that they should husband their strength until a practical opportunity offers to do us some substantial good. The tender they make now is a worthless boonworse than nothing. It promises nothing but strife and sectional controversy; and I am required to turn agitator for the miserable purpose of ministering to the ambition of your political aspirants. This, sir, I will not do for your little giants nor your big giants. [Laughter.] I wish it to be distinctly understood, that I am speaking of the bill of the Senate.

As to the bill which has been reported by the honorable gentleman from Illimois, [Mr. Kuchanson,] it is but an echo of that which has passed the Senate. I know it is not the intention of its friends to pass it. They will not honor the chairman of the Committee on Territories of this House with the paternity of a great measure like this. It is the distinguished Senator from Illimois [Mr. Douclas] to whose honor the organization of these Territories is to redound. He is the great Sanhedrim of Illinois. [Laughter.] I have searcely read or thought of the bill introduced into the House, as it is well known that the Senate bill is the one unon which the struggle is to be made.

Now, sir, as the Seantor from Illinois seems prepared to out-Herod Herod, and out-Southern the South, in the defense of southern interests, let us see if there is any mode by which we can test the value of his friendship for the South. I have a finit recollection of having read some scraps of law at one period of my life, but, being somewhat rusty in my legal knowledge, I will appeal to the distinguished gentleman from Missouri, [Mr. Bexrox,] who has had great parliamentary experi-

ence, and is withal an eminent lawyer, if there is not a rule of law, that when the meaning of a statute is ambiguous, you may, in construing it, look to the circumstances that surrounded the Legislature at the time of its passage, and take into yiew the preamble and context?

Mr. BENTON assented.

Mr. CULLOM. I supposed that such was the law; and as I have great difficulty in ascertaining the real meaning of this bill, owing to the ambiguity of its provisions, I presume the court and the jury-the people who will finally decide this cause-will find great aid in making up their verdict from the application of this rule of interpretation. I propose, therefore, to examine the surrounding circumstances in order to find out the meaning and intent of those who have originated this measure, and why the Senator from Illinois became godfather to this premature bantling by which the Missouri compromise is to be repealed as an outrage upon southern rights and a grievous burden which the South can no longer bear. How long that Senator has labored under these convictions, let the record show. In 1845, when Texas was annexed, the Missouri compromise line was extended through the territory of Texas. That extension received the Senator's vote, and it became the law of the land. Again, in 1848, the Senator proposed to insert, and voted for, a clause prohibiting slavery, according to the principle of the Missouri compromise, in the bill to establish a territorial government for Oreson. He did not then think the eighth section of the act of 1820 unconstitutional, and an abomination in the sight of God and man. No, sir, the scales had not then fallen from his eyes. Then he thought the Missouri compromise a very proper measure to be applied both to Texas and Oregon. Let us see what his opinion was in 1849. I will give his own words, in addressing his constituents that year at Springfield, in his own State. Here they

"In 1848 the question arose again in a new shape upon the proposition to establish a territorial government in Oregon, containing a provision prohibiting slavery in the Terri-tory while it should remain a Territory, and leaving the people 10 do as they pleased, when they should be called upon to form a State constitution, preparatory to their ad-mission into the Union. A brief discussion took place upon this branch of the subject, eliciting very little interest, and creating no excitement, for the reason that it was well known that the people of Oregon had already established a provisional government, in which they had unanimously prohibited and excluded the institution of slavery, and for the further reason that the whole of the Territory was sin-ated far north of the line known as the Missouri compromise.' The Missouri compromise had then been in practical operation for about a quarter of a century, and had received the sanction and approbation of men of all parties, in every section of the Union. It had allayed all sectional jealons and irritations growing out of his vexed question, and harmonized and tranquilized the whole country. It had given to Henry Clay, as its prominent champion, the proud sobriques of the 'Great Pacificator,' and by that title, and for that service, his political friends had repeatedly appealed to the people to rally under his standard as a presidential candidate, as the man who had exhibited the patriotism and the power to suppress an unholy and treasonable agitation, and preserve the Union. He was not aware that any man or any party, from any section of the Union, had ever urged as an objection to Mr. Clay that he was the great champion of the Missouri compromise. or was me great communion or the Aussourt compromise.

On the contrary, the effort was made by the opponents of Mr. Clay to prove that he was not entitled to the exclusive merit of that great patriotic measure, and that the honor was equally due to others as well as him, for securing its adoption; that it had its origin in the hearts of all patriotic men who desired to preserve and perpetuate the blessings of our glorious Union—to origin akin to that of the Conmunion of the United States, conceived in the same spirit of firm out affection, and calculated to remove forever the only danger which seemed to threaten, at some distang day, to sever the social bond of union. All the evidences of public opinion at that day seemed to indicate that this compromise had become careful of the day to the property of the public points of the day of the day of the day would ever be reckless enough to disturb."

The Senator then boldly asserted that the Missouri compromise had been in practical operation for about a quarter of a century, and had received the sanction and approbation of men of all parties in every section of the Union; that it had allayed all sectional jealousies and irritations growing out of this vexed question, and harmonized and tranquilized the whole country; that it had given to Henry Clay, as its prominent champion, the proud-sobriquet of the "Great Pacificator," and he concluded this glowing narrative in the following words:

"All the evidences of public opinion at that day seemed to indicate that the compromise had become canonized in the hearts of the American people as a sacred thing, which no ruthless hand would ever be reckless enough to disturb."

And yet his own is the "rathless hand" that is now "reckless enough," to use his own language, to disturb the measure which he then declared had received the sanction and approbation of men of all parties, had allayed all sectional jealouses and irritations, had harmonized and tranquilized the country, and had become canonized in the hearts of the Americangeople!

These were just and noble sentiments, and could, with equal-truth and propriety, have been repeated the day the Senator introduced the bill which has revived those very jealousies and irritations which has formerly showed us, were healed by the Missouri compromise. This is one of the numerous circumstances to which I call the attention of the committee, and of the country, as showing conclusively the character, end, and object of this plot. He that runs may read, and reading, cannot fail to understand.

But I have not done yet with the author of this bill. Not only did he speak as I have quoted in 1849, but in 1850 he proposed to extend this same Missouri compromise line, now become so iniquitous, through the territory acquired from Mexico to the Pacific ocean. Had not the Senator had ample opportunity, during his long legislative career and frequent investigations of this question, to have discovered the enormity of the Missouri compromise, if that was its character? And yet he persisted in recommending the adoption of this notorious eighth section of the act of 1820, on every occasion which arose, as late as 1850. If the committee will pardon me, I will show that Mr. Doug-LAS recommends, in his report to the Senate as late as the 4th of January, 1854-yes, sir, 1854-that the Missouri compromise should not be repealed; and yet I, and those who think with me, are complained of, because we believe now what the author of the bill himself believed as late as January last: namely, that the Missouri compromise should not be disturbed! But let me quote the language of the Senator's report. Here is an extract from it:

"Your committee do not feel themselves called upon to enter into a discussion of those controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850. As Congress deemed it wise and prudent to retrain from deciding the matters in controversy thee, either by affirming or repealing the Mexican laws, or by an act decleantory of the true intent of the Constitution, and the extent of the protection afforded by it to stave property in the Territories, so your committee are not prepared near to recommend a departure from the course pursued upon that extended the content of th

These, sir, were the views of Mr. Douglas, incorporated in his report to the Senate as late as the 4th day of January, 1854. He there expressly deprecates any expression of opinion by Congress as to the constitutional rights of either section of the Union under the act of 1820, or even under the Constitution itself; because, he says, they involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850; and as Congress then refrained from deciding the matters in controversy, either by affirming or repealing the Mexican laws prohibiting slavery, so the committee were not prepared now to recommend a departure from the course pursued upon that memorable occasion, either by affirming or repealing the eighth section of the Missouri act. The Senator, then, having a clear conception of the dire consequences which would flow from a repeal of the Missouri compromise, warned the country that such a course would reopen agitation, excite sectional controversy, and disturb the Then it was not proper to peace of the country. repeal the act of 1820, because such a repeal would revive agitation; now, he insists, it is important Then it was to repeal it to put down agitation. not proper to repeal the act of 1820, because the Congress of 1850 refrained from repealing the Mexican laws-leaving the question of slavery to be decided by the judicial department of the Government under the Constitution; now we are told that we must repeal the act of 1820 to make these acts consistent with the legislation of 1850. Oh consistency, what a jewel thou art!

Here we have Mr. DougLAs advocating the Missouri compromise throughout his whole legisative career, down to the fourth day of January 1854, urging the most conclusive, weighty, and solemn reasons against its repeal; holding up so vividly before the country the inevitable mischief which would flow from it, and then suddenly, within a few hours, or at most a few days, he throws all his previous experience and scruples to the winds, turns a complete somersault, and becomes the vociferous champion of repeal; one day shrinking back with trepidation and alarm at the mere contemplation of the terrible consequences of repealing the Missouri compromise; the next, he becomes its open advocate, and is prepared to denounce, and does denounce, every man, North and South, who will not go with him, as a foe to the public tranquillity, a foe to the principle of "squatter sovereignty," and unfaithful to the Constitution. Well, this is the greatest feat of political ground-and-lofty tumbling, so far as my memory serves me, that I have ever seen, heard,

or read of in history. But how is it to be accounted for? The public will be curious to know something of the secret and mysterious, yet powerful causes, which must have combined to produce a result so far out of the common track of political tergiversation and blundering. of no better clue to the mystery than to recur to those surrounding circumstances which, like the preamble and context of a statute, in helping to discover its true meaning, may enable the public to arrive at some satisfactory conclusion as to the secret and unrevealed agencies which may have led to this most extraordinary, not to say miraculous, conversion. I hope, at least, to be able to present facts sufficient to enable the jurythe people-to make up a just verdict upon the question. From some cause or other, we know that a sudden change has come over the spirit of the Senator's dream; and, though it is true that the ways of Providence are past finding out, I do not believe that the ways of politicians are so deeply, hidden from human ken that we cannot trace, in their devious courses, the secret promptings which guide them. First, it is notorious, and no man can deny it, that, at the period of this conversion, we had a weak and tottering Administration, reeling under the blows laid on from every quarternorth, south, east, and west-for its gross disregard of the platform upon which it came into power, and of the just claims of the conservative portion of the Democratic party; taking to its close embrace the two most pernicious factions North and South, and pouring into the laps of Free-Soilers and Abolitionists at the North, and of the Secessionists and fire-eaters at the Souththe Treasury pap and patronage at its commandto the almost total exclusion of the compromise men, both North and South. The Administration got into great straits from this course, and the Democratic party was threatened with fatal dissensions; suspicions got abroad among the compro-mise men at the North, and the Union party at the South, that General Pierce himself was "no better than he should be." The Senator from Illinois, seeing this state of things, thought he had a good chance to do something handsome for himself, and at the same time to relieve the Democratic party from the suspicions which had attached to its head, and ward off the dangers which threatened its ascendency. Some new and exciting movement was necessary to divert the public attention from the conduct of the Administration. The Senator from Illinois was the man for the occasion. He did not wait to be bidden by the Administration. In looking over the whole ground, he thought the readiest way of creating a counter-excitement. to save the Administration and the Democratic party, in the success of which he had an interest, would be to get up a row on the slave question. This is the true history of this movement. But the Senator did not think it necessary, in order to carry out this nefarious scheme, to repeal the Missouri compromise, as is evident from his report of the 4th of January. Oh, no, he would not do that. No "ruthless hand" would dare do that; but he would go so far as to declare it "inoperative" by force of the principles recognized in the legislation of 1850. As a part of the history of this matter, it will be remembered that the Administration took ground in favor of this provision in the bill of the 4th of January, and in favor of the

reasons assigned in the report against the repeal of the Missouri compromise. The Washington Union, the organ of the Administration, came out and indorsed, without reservation, both the bill and the report of the 4th of January; and when a Senator from Kentucky [Mr. Dixon] introduced an amendment to repeal the Missouri compromise in direct terms, the same organ denounced himas being in league with the Senator from Massachusetts, [Mr. Sumner,] an out and out Abolitionist. who had offered an amendment affirming the validity of the Missouri compromise. The Washington Union, I repeat, denounced both Drxon and SUMNER, the one for proposing the repeal, and the other the affirmance of the Missouri compromise. The editor of that paper could see nothing else in those opposite propositions but the evidence that the authors of them had formed an un-holy alliance to break down the Administration and the great Democratic party; and he called lustily on the true men of the country to come to the rescue, and maintain the time-honored compromise of 1820. But when Mr. Douglas found—I hope it is not unparliamentary to men-tion his name, though I really feel that I ought to ask pardon for doing so, [laughter]—that the North did not approve his incipient movement, and that the South viewed it with distrust, he saw that his scheme would be a failure unless he could hit upon some new tack. He had supposed that he had made his bait tempting enough to catch the South, and he did not think that the people of North would take offense. He thought he had laid his plans deep enough to dupe both the North and the South. But, lo, and behold! the South refused to accept the delusive offer. They South rensed to accept the declare there. They were a little afraid that there was "a cat in the meal," and it turned out, as I will show, that they were not mistaken. [Laughter.] When this little Magician of the North, No. 2, found that he had overreached himself, that he was fairly caught in his own net, he concluded that it would be about as well to die for a grown sheep as for a lamb, [laughter,] and in his amended bill of the twenty-third day of January, he made his second advance towards a direct repeal of the Missouri compromise. Still he was not quite bold enough to write down the word "repeal." He thought it would do to say that the eighth section of the act of 1820 was superseded by the principles of the compromise of 1850, and was, therefore, "inoperative." The Administration approved and sympathized with the design of the Senator from Illinois in his first movement, and perceiving that it was about to prove abortive, came forward and patted him on the back, saying: "Go it, little giant; go it a little stronger; set your thumb lancet a little deeper, and let all the blood out of the act of 1820." [Much laughter.] See the Senator's giant stride when he is thus backed by the Administration! He now comes forward, and, by additional amendments, demands a full repeal of the Missouri compromise, denouncing it as an act of gross injustice to the South, and unfit to stand longer upon the statute-book. Here, Mr. Chairman, I cannot refrain from re-

Here, Mr. Chairman, I cannot retrain from repeating what I have before stated as to the antecedents of the Senator from Illinois upon this question. The Senator has always supported this same odious, unjust, and now unconstitutional measure, when he had an opportunity of doing so.

Even in 1850, he proposed to extend the compromise line of 1820 to the Pacific. Then it was highly just and proper; then it was canonized in Yes, Mr. the hearts of the American people. Chairman, the Senator from Illinois had then a very proper estimate of the men of 1820; and truly, in those days, there were giants in the land. But now we are told that the Missouri compromise of 1820, which I have been taught to revere as a sacred thing, was unjustly forced upon the South by the North, and that, therefore, the South is not bound in good faith longer to abide by it. I will tell you how it was forced upon the South, and I want the whole country to understand its history. It was passed by a majority of southern votes, indeed, with hardly a dissenting voice from the South, in the Senate, and by a majority of southern members to the House of Representatives. It was claimed, at the time, by the South as a southern triumph, and under it the South has enjoyed unmolested, for this long period, all the territory south of 360 30 as slave territory. The North now asks us to perform our part of the contract. Can we honorably refuse to do so? Do you urge as a reason why the South should be absolved from this covenant, that it was an unjust bargain? · Sir, it is one that our fathers made. What dutiful son, receiving an inheritance from a deceased and venerated father, encumbered with trusts and liabilities binding in honor, would continue to enjoy the estate, but repudiate, upon technical grounds, the obligations contracted by his ancestor? For one, I would not. I am not here to draw subtle distinctions, and to indulge in special pleading. This is a family question, between brethren of the same Confederacy, and I choose to place it upon its broadest merits. We are told that the North themselves have repudiated this compromise. Have they? If so, I am not here to defend them; for I am as southern in my feelings as a man ought to be, to be at the same time a friend of the Union. Whenever southern rights and southern honor are invaded, I am ready, at all hazards, to defend them; but you would not have me renounce my attachment to the Union, and hazard the inheritance of my children by fomenting sectional dissensions, for nothing. I must have a larger stake than you hold out to me in this concern before I denationalize myself, humble

But in what have the North repudiated the comromise of 1820? Have they not a majority of fifty-four votes over the South in Congress? And yet I aver, and I appeal to the record to sustain the truth of the averment, that the North have never attempted to repeal the act of 1820. True, they have refused to make a similar bargain in reference to the Territory of Oregon, and the territory acquired from Mexico; but is it a repudiation of the Missouri compromise simply to refuse to make a similar contract twenty or thirty years afterwards, and in relation to newly acquired territory? To illustrate this idea, suppose I buy a tract of land of a neighbor, and thirty years after-wards I propose to make a similar contract for another tract of land, and he declines it; is that a repudiation of the former bargain, and does his refusal release me legally or morally from the obligations of the first contract? I think not.

But it is also said that the act of 1820 was violated by the North in 1821, when Missouri pre-

sented her constitution for admission into the Union as a State. Let us look for a moment at that. The Constitution of the United States secures equality among the citizens of the several States. Missouri had a clause in her constitution prohibiting free negroes and mulattoes from emigrating to the State. In several of the States free negroes were citizens, and it was insisted, in 1821, by many northern members of Congress, that that restriction in the constitution of Missouri was in conflict with the Constitution of the United States. It was removed, and Missouri was admitted into the All who have familiarized themselves with the debates of that day, know that the resistance to the admission of Missouri in 1821, was caused by that clause in her constitution to which I have adverted, and not because her constitution admitted slavery. It is also said that the North resisted the admission of Arkansas because of the slavery clause in her constitution. That is un-true in point of fact. No such opposition was There was a clause in her constitution forbidding the Legislature to pass emancipation laws, and that was one ground of northern opposition; but that was not the main objection. Arkansas and Michigan were both admitted into the Union in 1836. Mr. Van Buren was then a candidate for the Presidency, and he and his party friends were urgent that those States should be admitted, in order that he might receive their electoral votes. The opposition, embracing ultra southern men, resisted it upon party grounds; and the admission was claimed by the Washington Globe, then the organ of General Jackson, as a party triumph. To be assured that the question of slavery had nothing to do with the resistance to the admission of Arkansas into the Union, you need only be informed that the same opposition was made to the admission of Michigan as a free State. Hear what the Globe of that day says upon the subject:

"It gives us pleasure to announce that the bills to admit Meinigan and Arianasa into the Union have passed the Senate. There was a hard struggle on the part of the opposition to prevent the admission of Michigans. This was gan had been defeated, having nearly double the population of Arkanasa; it would have followed inevitably that both applications would have been rejected. The repaymence of the opposition to the admission of these new states arise arrest than the state of the admission of these new states arise presidential election and their dwindling phalana: in the Senates." Washington Gibbs of Agrid 5, 1880.

But we are told that the act of 1820 is unconstitutional and rold. If so, why disturb it, as it must be perfectly harmless? The men of 1820, who voted for it under oath to support the Constitution, did not believe they were committing perjury. President Monroe, a southern slaveholter, who approved and signed it by the advice of an enlightened Cabinet, did not regard it as unconstitutional; nor did the country, which has acquiesced in it for a third of a century, so consider it; nor did the various Congresses which have repeatedly, as I have shown, from time to time, proposed its reënactment, backed by nearly the entire South.

But it has been strongly argued here that the act of 1820 is unconstitutional, because it violates that article of the treaty of 1803 by which France ceded Louisiana to the United States, guarantying the protection of the persons and property of the citizens in the ceded territory. It is contended

that the treaty being, under the Constitution, the supreme law of the land, it could not be superseded by a mere legislative act, limiting slavery to a particular geographical line. 1 wish now to show that those who take this view of the question cannot consistently support this bill. If, sir, the Congress of 1820 had no constitutional power to limit slavery to the line of 360 30', because it was in violation of the treaty of cession, then the Congress of 1854, sitting under the same Constitution, can have no power to repeal all the French and Spanish laws authorizing slavery in this Territory, and much less the clause in the treaty with France which protects slavery; yet this is what the Badger amendment to this bill actually does. Here then we have presented this absurdity: the friends of the bill assert that the Missouri compromise was unconstitutional and void, because it violated the provisions of a treaty, which is the supreme law of the land, and they therefore insert a provision repealing the Missouri compromise; but, at the same time, they support the Badger amendment, which provides that nothing contained in the bill shall be so construed as to revive or put in force any law or regulation which may have existed prior to the act of 6th March, 1820, either protecting, establishing, prohibiting, or abolishing slavery. Who does not see that that Badger amendment abolishes slavery in these Territories as effectually as did the compromise act of 1820, and that if the act of 1820 was unconstitutional, this bill must be unconstitutional for the same reason; for there is intervention by Congress in both cases, and exactly to the same extent. The act of 1820 prohibited slavery north of 360 30', where it was formerly allowed by law and treaty; and the act of 1854, if this bill becomes a law, after repealing the act of 1820, proceeds to abolish slavery in the same territory. It is true that the bill provides that the question whether slavery shall hereafter be established in this territory shall be decided by the future inhabitants of the Territories, but the Badger amendment takes away all protection to the property of the citizens of the South emigrating with their slaves to this Territory, by nullifying the treaty and laws which, after the repeal of the Missouri compromise, would have been in force, and would have protected slave property. And this is called non-intervention !

But we are told that all this is necessary, in order to assimilate the bill to the legislation of 1850. I will show that there is a wide discrepancy between the measures of 1850 and what is proposed by this bill. The measures of 1850 left untouched the Mexican laws prohibiting slavery in the territory acquired from Mexico, whilst this bill, I again repeat, repeals, under the pretext of non-intervention, the compromise act of 1820, the French laws, and the treaty of 1803; and it pro-poses to repeal the Constitution itself, if, as some contend, the Constitution, proprio vigore, extended its protection to the property of the slaveholder to all new territory the moment it became territory

of the United States. But we are told that all this is necessary to create a tabula rasa, upon which the Legislature of the Territory may write its own unrestrained will on the question of slavery or no slavery. I desire the country, and the South particularly, to understand that this dangerous and unprecedented

intervention by Congress is considered necessary to give effect to the principle of "squatter sovereignty," which is clearly contained in the bill. Let it not be forgotten that every existing guarantee, by law or treaty, by which slavery, after the repeal of the act of 1820, could be maintained in these Territories is carefully annulled and repealed, in order to give full and free scope to the principle of "squatter sovereignty;" when all who have examined the subject must know that the first enactment of the Territorial Legislature will prohibit slavery forever. But to render this power of "squatter sovereignty" complete, this bill deprives Congress of any supervisory control over the acts of the Territorial Legislature; whereas such control was retained in the territorial acts of 1850. Yet all this is done, or pretended to be done, in order to carry out and perpetuate the principles contained in the compromise measures of 1850!

Sir, it is downright political profanity to assert that this bill is founded on the doctrine of nonintervention by Congress in the legislation of the Territories on the subject of slavery, as contained in the acts of 1850. I heartily subscribe to the principle of non-intervention incorporated in the measures of 1850, and to the propriety of treating the Territories as the wards of the Federal Government, as I believe they have heretofore been treated. I appeal to the distinguished gentleman from Missouri, if such has not been the uniform

practice of the Government.

Mr. BENTON. Yes, sir, as children under age. Mr. CULLOM. We retain a supervisory control over their territorial proceedings, but when they have become of age, and have assumed their full rights of sovereignty by the act of forming their State constitution, then I am in favor of leaving them perfectly free to express their own unrestricted will on the subject of slavery, and on all other subjects not inconsistent with the Federal Constitution. These are the principles of the measures of 1850. This is the true popular sovereignty which is recognized by the Constitution the non-intervention to which I subscribe. this bill presents the doctrine of the Nicholson letter written by General Cass in 1848, and against which Tennessee recorded her verdict. I stand now upon the same impregnable ground that I stood upon then.

But I have been told over and over again, that the bill establishes a great principle. I ask what principle? You can find no five men in Congress, even among the friends of the measure, who can agree as to the principles it does establish. The language of the bill is so subtle, circumlocutory, and tautological, that it seems to have been intended to bear a construction to suit any meridian. If it is necessary to lay down a great principle, would it not be becoming in Congress to strip it of all ambiguity, and to lay down that naked principle so clearly that the country and future Congresses may be enabled to know what it is? For if we cannot agree what the principle is, how can it have any practical operation now or at any future time? Posterity can derive no benefit from the principle of the bill, for if they should turn to the debates in Congress, and see the Bable-like confusion of opinions contemporaneously expressed, gross darkness would cover the people. So much for

your great principle.

But I have asked, and I repeat the question, what does this measure propose to give my geo-graphical section of the country? We remove the Missouri restriction, say they, and thus place the South where she stood before it was imposed. Very well, that is very kind to the South, but let me ask if you have not been still more generous to the North? You have removed the restriction of 1820. That is cheering to the South. But you step behind the act of 1820, with your Badger amendment, and, to tickle the North, you repeal the French laws and the treaty guaranties, and leave the South without any protection to its slave property, which you say cannot be maintained without the sanction of local law; and having stripped the southern slaveholders of all legal protection, you hand us over to the tender mercies of squatter sovereigns for legislative protection. This indeed would be a barren victory. Thus, after all, your patriotic and generous professions, you would feed the South on chaff-yes,

But we are told that it is necessary to take this vexed question of slavery out of the hands of Congress, and many deny that Congress has any power over the subject in the Territories; and yet they would delegate power to legislate upon it to the infant Territories. This idea of conferring a greater power upon the agent than the principal possessor is indeed a new one; but is it a great or wise principle, or one that will be of any practical use to the South? Can any sound southern man think so? Sir, there never was a greater cheat than this bill is. It is a miserable humbug Well might Franklin Pierce, who is urging its passage, declare, as he did to Senators James and CLEM-ENS, that if this bill should pass, we should never have another slave State though we should absorb the whole of Mexico; and that the bill was a move-ment in favor of freedom. What do you think of that, I ask you, who regarded him as having such a love for southern interests when he was a candidate for the Presidency? Well may the Detroit Free Press proclaim to the country that-

"Mr. Docota.s" is bill is the greatest advance movement in the direction of human freedom, that has ever been made since the adoption of the Constitution. Never before [i] goes on] have the rights of all American communities to self-government been fully recognized. The people of the Territories have inhierto been held to a species of vassatage not less humiliating to them than it was monosisten with popular, pray, or to mange held on species of vassatage to the property of the property of the property of the They have been treated as minors, incompetent to take care of themselves. Mr. Docota.s's bill changes all this. The Territories have the same privileges in relation to domestic legislation as the States."

Yet with all these evidences before me, and many more which I have not time now to enumerate, I am gravely asked to stultify myself by supporting this as a great southern measure! I repeat, that it is a fraud upon all latitudes, and, in the language of Lord Coke, "hatched in a hollow tree."

But, sir, if I may be pardoned for further pursuing this miserable device, it is susceptible of the clearest demonstration that the men of 1850 thought that they had forever shut down the floodgates of sgitation upon the question of slavery. Mr. Clay, when he brought forward his great measures of compromise in 1850, announced that there were five bleeding wounds in the body-poltic which those measures were intended to, and

did heal. So the country thought, and proclaimed their finality. It was left to these latter-day politicians, for purposes not consistent with the public interest, to reopen another wound that had been cicatrized by the healing measure of 1820, which they say does not harmonize with the le-gislation of 1850. Now, if all the past legislation of the country is to be moulded into the fashion of the acts of 1850, there are still "five bleeding wounds." Why not heal them all with one application? Why apply your quack panacea to the act of 1820, and leave the Territories of Minnesota, Oregon, Washington, and part of the original Texas Territory under the curse of the Wilmot proviso? The acts by which that proviso was ingrafted on those Territories are more recent and less sanctified by the lapse of time, than the Missouri compromise is. They are bleeding wounds upon the body-politic as much as the act of 1820 is. But they are to be left to bleed until some far-seeing politician, in order to make some political capital hereafter, shall undertake to heal them. Why, sir, did not even southern Demodrats vote for the Oregon bill? And did not a southern President [Mr. Polk] approve it upon the ground, that although that Territory was not, in terms, embraced in the act of 1820, yet as it was territory lying north of the line of 36° 30', he thought it fell under the principles of the Missouri compromise? In his message to Congress approving the Oregon bill, Mr. Polk, in alluding to the controversy which was settled by the Missouri compromise, used the following language:

"But the good genius of conciliation which presided at the birth of our institutions finally prevailed, and the Missouri compromise was adopted."
"This compromise had the effect of calming the troubled waves, and restoring peace and good will throughout the States of the Union."

Ah! sir, Mr. Polk tells you that the good genius which presided at the birth of American liberty and independence presided over the deliberations of the Congress of 1820, when passing the compromise, which we are now asked to break down. One would suppose, from the frightful givings-out of the friends of this Nebraska project, that a fiend of hell had presided on that occasion. We are also told now that the South has been writhing under it as a mighty infliction. And yet Mr. Polk says, that "this compromise had the effect of calming the troubled waves and restoring peace and good will throughout the States of the Union." And so it did; and who dare now disturb it? Again: Mr. Polk, in the same message, used the following language:

"The Missouri question had excited intense agitation in the giblic mind, and threatened to divide the country into geographical parties, alternating the feelings of attachment which each portion of the Union should bear to every other. The compromise allayed the excitement, tranquilled the popular mind, and restored confidences and frattenant of the control of the

I leave the American people to answer the grave and momentous question thus propounded by President Polk. It is addressed to them; I await their decision.

But, sir, gentlemen continue to ring the changes

upon the legislation of 1850, which, they say, makes it absolutely imperative upon us to break up this ancient settlement of 1820, and put it into the mould of the acts of 1850. inquire of those friends of the Nebraska bill, why that idea did not occur to them at the last session of Congress, when we organized the Territory of Washington? It seems to me that that would have been a very appropriate time to have placed these Territories on the Procrustean bed of You were then fresh from the great conflict of 1850." The principles of your legislation were at least as well understood then as they are now. Then you were associated with many of the very men who took part in that conflict. But not a whisper was then heard of the principles of 1850. You slept at your posts, and let the bill, with the Wilmot proviso attached, quietly and silently pass both branches of Congress. But you may say that the Territory of Washington was a part of Oregon, and was therefore placed under the Wil-mot proviso during Mr. Polk's administration, when the Territory of Oregon was organized, and must follow the condition of Oregon. I answer, that if Congress had not the power, as you assume, to impose a restriction upon slavery, or if, having the power, it was such a gross abuse in 1820 to limit slavery in the Territory of Louisiana to the line of 360 30', as to make it the duty of this Congress to repeal that restriction, and restore the South to her rights, then could the Congress of 1848, by legislative enactment in the form of the Wilmot proviso, prohibit slavery forever in the Territory of Oregon? The power was the same in both cases.

But, sir, I must be allowed to bring one other important fact to the recollection of the committee. This Nebraska question was up at the last session of Congress. The bill then before us, proposed merely to organize a territorial government, without making any mention of slavery, or so much as intimating a repeal of the Missouri

The bill in that form passed this House, and it received the votes of three of my colleagues, to wit: Mr. Johnson, Mr. Watkins, and Mr. Williams, who were all in the Congress of 1850, and all supported the compromise measures of that Congress; but neither they, nor-so far as I saw or heard-any other member here, offered, or thought of offering, to make that bill conform to the legislation of 1850, by repealing the Missouri compromise. Well, sir, after that bill passed the House, it went to the Senate, and was there referred to the Committee on Territories, Mr. Dova-LAS being then, as now, the chairman of that committee, and extraordinary as it must appear to all Christendom, the idea never entered the brain of the chairman of the committee at that time, that it was proper or important to assert the principles of the acts of 1850. This is so extraordinary that I fear the country will come to the conclusion that all this parade now about the principles of 1850, is a mere after-thought. One other fact is quite remarkable, and that is that most, if not all, of the States-Right and Secession men of the South who condemned the compromise of 1850 as a gross outrage upon the rights of the South, and all who subscribed to the doctrines of the Nashville convention, which met after the adoption of the compromise measures, planted themselves

upon the Missouri compromise, as their ultimatum. and declared that the acts of 1850 should be assimilated to the act of 1820! Now, the act of 1820 has become such an abomination, that it must be no longer allowed to stain the purity of our legislation. The country can see and under-stand all this. The country must apply the corrective. The people desire quiet and repose; demagogues prefer a storm-yes, sir, a hobby, a humbug, upon which to ride into power. I have already shown that the compromise of

1820 was passed by southern votes; and the com-

mittee will bear with me whilst I recapitulate the

names and residences of those patriots who are now unblushingly charged with having betrayed the South by a base surrender of her rights. I begin with my own State. I find upon the Journals of the Senate, the name of John Williams, of East Tennessee, than whom a purer patriot never lived; after enjoying the public confidence for a long period, he now rests with his fathers, embalmed in the memory of all who knew him .. He voted for the compromise of 1820. His col-league in the Senate, John H. Eaton, likewise voted for it, and he was then, and for many years afterwards, the confidential friend of General Jackson. His vote in favor of the Missouri compromise furnishes strong presumptive evidence that General Jackson approved the policy of it. Eaton was afterwards a member of General Jackson's Cabinet, and was subsequently our Minister to Spain. Surely he would not have been so honored, if his vote upon the Missouri compromise had been considered an act of treachery to southern interests. In the vote of this House I find the name of John Cocke, whose friendship, I am proud to say, I enjoyed for many years, and until his death. He was long honored with a seat upon this floor, after the passage of the act of 1820, and repeatedly served in the Legislature of Tennessee, over the House of Representatives of which he was more than once chosen to preside. There, too, stands enrolled, in favor of this act of 1820, the name of Robert Allen, late of my own county, a name sacred in the memory of Tennesseeans. When the battle raged, he was foremost in the fight, ready to die, if need be, in defense of his country. For eight years he was an honored member of this House; and, at a later period, he was a prominent member of the convention which framed the present constitution of Tennessee. He died lamented by the whole country, and sleeps interred in sight of my humble home. He was kind to me in life, and I will vindicate his memory from the aspersions now attempted to be cast upon his judgment, and his fidelity to the South, in voting for the Missouri compromise. Newton Cannon also voted for this old compromise, now so much derided and denounced. He was afterwards Governor of the State, and now sleeps in an honorable grave. Sir, I am now asked, before the sod is dry over the graves of some of these pure men, to repudiate their act, and to join in the hue and cry which has been raised against the act of 1820. And why am I called upon to denounce that measure? Is it for the good of my country? I am sure it is not for its honor. No, Bir, it is to pander to the selfish ambition of scheming politicians. Sir, sooner than betray my country; sooner than disparage or traduce the good names of the dead, who in life stood by

me closer than brothers-the dead whose lives were devoted to patriotism and their country-

let my right hand forget its cunning.

Turning next to my mother State, Kentuckyfor, although many years have passed since I left her soil, still she is my mother State, and I love her—in the Senate, I find the names of Logan and Richard M. Johnson, of Kentucky, recorded in favor of the compromise of 1820. Richard M. Johnson, long after the country had sat in judgment upon that vote, filled the office of Vice President of the United States. Of the members of the. House from Kentucky who voted for the compromise of 1820, I find the names of Anderson, Brown, Ben Hardin, McLean, Quarles, Robertson, and Trimble. Only one member from that State voted against it. One illustrious name does not appear on the record—that of HENRY CLAY. He was then Speaker, and was not allowed, by the rules of the House, to vote, except when his vote would decide a question. But who can doubt upon which side his name would have been recorded, had he been called upon to decide that question? So conspicuous was his course and in-fluence in favor of the compromise, that the Senator from Illinois, in the speech I have before referred to, tells us that he won the proud sobriquet of the "Great Pacificator." But, in the face of all these facts, we are told that this compromise was forced on the South. Sir, there were but three votes against it from the two States of Kentucky and Tennessee. Let that be remembered in those proud States. Sir, Kentucky is now laudably engaged in erecting a suitable monument to the memory of her distinguished son, a nation's favorite—Henry Clay. Of all the laurels won by that illustrious man, in his long and glorious career in the service of his country, his successful advocacy of the Missouri compromise stands out at the head of the list, and none will be more imperishable. But while the monumental pile is yet unfinished, which the State he so much adorned in his life is now erecting to commemorate his eminent services, a parricidal attempt is made to rob him of the honor of one of his greatest and most memorable achievements.

But, sir, it would be invidious to speak of Kentucky and Tennessee alone. Allow me to lay before the committee the long list of illustrious names which stand recorded in favor of the compromise of 1820 from other southern States.

The following is a list of the yeas from the

South in the Senate:

Brown, of Louisiana, Barbour, of Virginia, Eaton, of Tennessee, Elliott, of Georgia, Horsey, of Delaware, Johnson, of Kentucky, Johnson, of Louisiana, King, of Alabama, Gailliard, of S. Carolina, Leake, of Mississippi,

Williams, of Tennessee The following is a list of the yeas in the House

of Representatives:

Allen, of Tennessee, Anderson, of Kentucky, Archer, of Maryland, Bayly, of Maryland, Brevard, of S. Carolina, Brown, of Kentucky, Bryan, of Tennessee, Cannon, of Tennessee, Cocke, of Tennessee,

Crawford, of Georgia, Crowell, of Alabama, Culbretli, of Maryland Culpeper, of N. Carolina, Culpeper, of N. Carolina, Cuthbert, of Georgia, Davidson, of N. Carolina, Earle, of S. Carolina, Fisher, of N. Carolina, Floyd, of Virginia,

Lloyd, of Maryland, Logan, of Kentucky,

Williams, of Mississippi, Pinkney, of Maryland, Stokes, of Maryland,

Stokes, of North Carolina, Van Dyke, of Delaware, Walker, of Alabama,

Hardin, of Kentucky, Kent, of Maryland Little, of Maryland, Lowndes, of S. Carolina, McCreary, of S. Carolina, McLane, of Delaware, McLean, of Kentucky, Mercer, of Virginia, Nelson, of Virginia, Quarles, of Kentucky Rankin, of Mississippi,

Ringgold, of Maryland, Robertson, of Kentucky, Settle, of North Carolina, Smith, of Maryland, Smith, of North Carolina, trother, of Virginia, Trimble, of Kentucky, Tucker, of S. Carolina, Warfield, of Maryland, Williams, of N. Carolina.

Yet, sir, we are gravely told, in effect, that the men of to-day are more capable of guarding the honor of the South, and the peace and welfare of the country, than were the men of 1820. Let the

country judge between them.

The gentleman from North Carolina, [Mr. CLINGMAN, who came forward the other day as the defender of the author of this bill, and of the present Administration, told us in the course of his speech that he had been living for several years past outside of any healthy political organization. Mr. CLINGMAN. I did not say healthful political organization.

Mr. CULLOM. Well, sir, in my opinion, he is a very proper person to defend this Administration, being an outsider, [laughter;] for I am sure that no man within the pale of a healthy organization would think of undertaking such a job. [Renewed laughter.] The gentleman also told us, in a tone of complaint, that the ministers of the Gospel had sent him sundry sermons. Now, if there should be any minister of the Gospel within hearing of my voice, let me tell them that it is love's labor lost to send sermons to the gentleman from North Carolina; what he most needs in his lonely, outside condition, is prayers, and very many of them. [Much laughter.] But I cannot

dwell upon this topic.

Sir, I regret that gentlemen, in their zeal to press this measure through the House, are even prepared, in the extremity to which they are reduced, to pervert the truth of history. They seek the benefit of the prestige of the sainted patriot of Ashland, Henry Clay, in support of this bill. Would to God, sir, that his tall and graceful form were now before you. Would that he were alive and standing erect before you, in the full possession of those high and noble faculties which were so successfully employed in 1820, in hushing the rising tempest of national discord, to maintain the honor of the South and vindicate his own, in opposition to this most mischievous measure. Methinks that when he had arrayed the facts and history of the times, out of which the Missouri compromise arose, his eagle eye would have scanned this assembly, and his finger would have been pointed significantly at shose who have undertaken to separate his name from the band of illustrious patriots who, at that critical juncture, averted from their country the threatened evils of anarchy and civil war; and I think I can see them now, to borrow the language of another, " leaping from the windows in dismay, to escape the withering invective of his inspired and indignant eloquence.

Sir, I was mortified, as a Kentuckian-for I am proud to claim that great Commonwealth as my birth-place, and take a lively interest in her fame, as I did in the life and fortunes of her most renowned son-I say I was mortified when I heard, the other day, the talented gentleman from Kentucky, [Mr. BRECKINRIDGE,] representing, as he does, the Ashland district, coming into this Hall,

accredited by the choice of such a district, and charged with the defense and protection of whe memory of one so dear to his constituents and to the whole American people, so far forget himself and the proprieties of the hour, as to say that Mr. Clay could not be claimed as a supporter of the compromise of 1820; that it was even doubtful whether he voted for it; and seeking to appropriate the influence of his great name to this most discreditable work of repudiation. Then, thought I to myself, ruly what dangerous things old documents are. Let me read you a passage from the speech of the gentleman from Kentucky. I Tegret that he is not now in his seat, that his recollection might be a little refreshed:

"I have heard," said he, "gentlemen here glorify Mr. Clay as the author of the act of 1820, prohibiting slavery north of 36° 30', and invoke his memory to resist its violation. They must invoke some other spirit than Mr. Clay's,

for he was not its author."

Sir, I was one of those who were permitted to stand by the bier of Henry Clay. The scene is fresh in my memory, when we followed the slow and mournful procession which bore his lifeless corpse to this Capitol. All nature seemed clad in the weeds of mourning as far as the eye could penetrate. This temple was veiled in the habiliments of woe. The sun of heaven seemed as if it shone dimly. Every heart was wrung with the most poignant grief. That scene I never shall forget. Upon the honorable gentleman from the Ashland district [Mr. Breckingidge] devolved the solemn duty of announcing Mr. Clay's death to this House, which he did in a most eloquent oration, highly creditable both to his head and to his heart. What he said made a deep impression upon me. It has been said that death makes cowards of us all. It may be said with equal truth that death makes us all honest for the time being. We are all honest when standing by the icy form of the illustrious dead. Party feeling

and all schemes of political ambition are then put far away from us. We then, above all other times, speak the truth. The eloquent Kentuckian, standing as it were in the presence of the mortal remains of the illustrious sage of Ashland, thus spoke his eulogy:

"But the supremacy of Mr. Clay as a party leader was not his only, nor his highest, title to renown. That title is to be found in the purely patriotic spirit which on great occa-sions always signalized his conduct. We have had no statesman who, in periods of real and imminent public peril, has exhibited a more genuine and enlarged patriotism than Henry Clay. Whenever a question presented itself actually threatening the existence of the Union, Mr. Clay, rising above the passions of the hour, always exerted his powers to solve it peacefully and honorably. Although more liable than most men, from his impetuous and ardent nature, to feel strongly the passions common to us all, it was his rare faculty to be able to subdue them in a great crisis, and to hold towards all sections of the Confederacy the language of concord and brotherhood. Sir, it will be a proud pleasure to every true American heart to remember the great occasions when Mr. Clay has displayed a sublime patriotism; when the ill temper engendered by the times, and the miserable jcalousies of the day, seemed to have been driven from his bosom by the expulsive power of nobler feelings; when every throb of his heart was given to his countr every effort of his intellect dedicated to her service. does not remember the period when the American system of government was exposed to its severest trials; and who does not know that when history shall relate the struggles which preceded and the dangers which were averted by the MISSOURI COMPROMISE, the tariff compromise of 1832, and the adjustment of 1850, the same pages will record the genius, the eloquence, and the patriotisth of Henry Clay."

[Great applause.]

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SPEECH



OF

HON. WILL: CUMBACK, OF INDIANA,

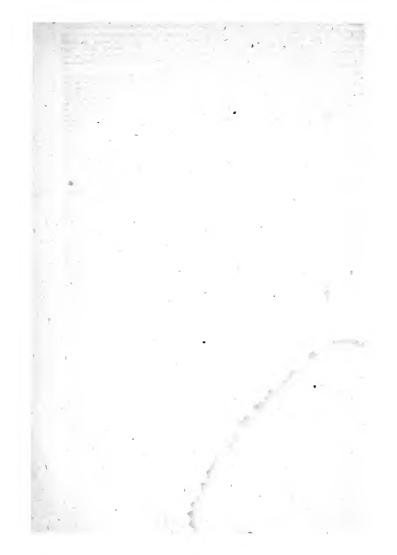
ON THE

AFFAIRS IN KANSAS.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MARCH 7, 1856.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1856.



KANSAS AFFAIRS.

In reply to Mr. OLIVER, of Missouri, who had spoken on the Resolution reported from the Committee of Elections in the Kansas Contested-Election case,

Mr. WILL: CUMBACK said:

Mr. Speaker: I did not intend, while I am a member of this House, to commit the fashionable folly of making speeches, nor do I rise now for any such purpose; but, sir, I cannot be silent, if that silence is any way construed into acquiescence to the doctrines promulgated by the gentleman from Missouri, [Mr. Oluver,] who has just taken his sent. That gentleman has recently become a convert to the Democratic party, and everybody knows that new converts in politics or religion are always zealous in the beginning, and hasten to proclaim the opinions of the cause they have espoused.

Mr. OLIVER, of Missouri. Has not the gendeman become recently a convert to the Republican party from the Democratic party?

Mr. CUMBACK, Mr. Speaker, I will answer the gentleman's interrogatory with great pleasure. Sir, when I was connected with the Democratic party, it then held to the same doctrines as to the extension of slavery, to which I now hold, and which I will ever stand by and maintain. The teaching of the Democracy in Indiana, and the doctrine of their platform, before this Nebraska bill was "conceived in sin and brought forth in iniquity," were, that Congress had the power, and should exercise it, to prevent the introduction of slavery into the free Territories of the country. Sir, I speak advisedly, and from the record. In my own State, but a short time since, the banners of the Democracy were proudly fluttering over all their foes, and on it was inscribed this doctrine :

"Resolved, That the institution of slavery ought not to be introduced into any territory where it does not now

"Resolved, That inasmuch as California and New Mexico are in fact and in law free Territories, IT IS THE DUTY OF CONGRESS TO PREVENT THE INTRO-DUCTION OF SLAVERY WITHIN THEIR LIMITS."

I refer to this doctrine to show if there is any great amount of "conversion," it is that the so-called Democracy have left this Jeffersonian doctrine, and are now bowing down in shameful obedience to the behest of the slave power. But if this one witness is not sufficient to make out a case of conversion against the Democracy, I offer another to put the matter beyond dispute; for it is said in Holy Writ, by the mouth of "two witnesses all things shall be established."

At the next session of the Legislature of our State after this platform of the Democracy had been adopted, and a splendid victory achieved by the election of the Legislature of the State. by a large majority in favor of the victors. and almost the entire delegation to this body of the same party, the Democratic Legislature became a little suspicious that their representatives in Congress might fall from grace, and abandon the time-honored doctrines of the party. They somehow feared they would lack the nerve to do their whole duty, and that same Democratic Legislature, to strengthen and support them, passed the following resolution, as a kind of " tonic"-in modern phrase to give them backbone in the defense of Democratic principles:

"Be it resolved by the General Assembly of the State of Indiana, That our Senators be instructed, and our Representatives in Congress be requested, so to cast their votes and extend their influence to have ingrafted upon any law that may be passed for the organization of territory recently acquired from Mexico, A PROVISION FOREVER EXCLUDING FROM SUCH TERRITORY SLAVERY AND INVOLUNTARY SERVITUDE, otherwise than in the punishment for crimes whereof the party has been duly convicted."

Mr. Speaker, I take the principle contained in that resolution—the constitutional power to inhibit the further spread of the blighting curse of slavery—for my instructions, and commend to it my colleagues—each and all of them from my own State. It is sound and healthy doctrine. But to put this matter entirely at rest, I will offer a word

or two of corrohoration.

But a short time since, our Legislature had a Senator to elect to represent us in the other end of the Capitol, and of course there were several patriotic gentlemen who were willing to make the sacrifice on that occasion. But before the Democracy would commit such an important trust to any member of their party, they appointed a committee to investigate their soundness on the question of slavery extension. Mr. Whitcomb's answer to the interrogatories of the committee was most satisfactory, and they chose him. His answer is as follows:

INDIANAPOLIS, December 9, 1849.
GENTLEMEN: Your letter of this date, in relation to the subject of the extension of slavery into our newly-acquired Territories of New Mexico and California, has been received. I have time to give but a brief reply—one, however, which I rust will be sufficiently intelligible for your pur-

pose.

As stated in my recent message to the Legislature, these Territories have come to us free, by their own laws, from the institution of slavery. It is incontrovertible that divers, there or elevater cannot exist without the sunction of partitive taxe. I AM OPPOSED TO THE PASSAGE OF ANY SUCH LAW. I BELIEVE THAT CONGRESS CONSTITUTIONALLY PASSECH ORGANIC LAWS FOR THE GOVERNMENT OF THE TERRITORY AS WILL, IN THEIR OPPERATION, PREVENT THE TERRITORY AS SUCH LAW. IT FOLLOWS THAT CONGRESS CAN, IN MY JUDGMENT, PREVENT THE INTRODUCTION OF SLAVERY INTO THOSE TERRITORIES.

In relation to your second question, I will add that, still regarding slavey as I did nearly twenty years ago, in a zeport made in the Legislature of this State, as a draw-hack upon the prospersty of any country, I would, if a member, use my influence, and vote for the passage by Congress of a law of the kind referred to; that is to ssy, A LAW WHICH WILL OPERATE EPPEOTVAILLY TO PERVENT THE INTRODUCTION OF SLAVERY INTO THESE TERRITORIES.

I am, very respectfully, your obedient servant,

JAMES WHITCOMB.

Messrs. J. P. MILLIKEN, and others.

We propose, in Indiana, to see to it that men

We propose, in Indiana, to see to it that men are still sound as the Senator then chosen by the Democracy, before we make Senators of them; and if they, like he, prove to be right on this question, we propose, like the Democracy did then, to give them commissions; and if their knees become feeble, and their spines weak, we, will then point them to the instructions upon the

Journal of our Legislature, to which I have referred, to give them "aid and comfort."

But, sir, I presume this will be sufficient, so far as the Democracy of my own State is concerned. I might read a few chapters from Ohio, from New Hampshire, from Michigan, from Pennsylvania, and, indeed, from all the northern States: but I am not desirous of going into that now, and would not have said one word on the subject, but for the question propounded by the honorable gentleman, [Mr. OLIVER,] to whom I rose to reply. He, sir, is a new convert to Democracy-or rather, to the galvanized article now attempting to pass itself off as such; and let me say to him this word of advice now, that he will find that they "play upon a harp of a thousand strings;" but the "just men made perfect" will be remarkable for their scarcity.

Mr. Speaker, it has been the practice of every Democratic speaker who refers to the scenes of bloodshed, violence, and fraud in the Territory of Kansas, to lay them all upon the head of the emigrant aid society, as a kind of scape-goat to carry off all the sins of the invaders of that Territory and of this imbecile Administration, in not protecting the people of that Territory in their rights. What was this society organized for? The great sin, in the opinion of the gentleman from Missouri, was that it intended to use its efforts to make Kunsas a free State. Ah! sir, I recollect well in my own State-I can almost hear now the echo from hill-top to vale-the eloquent appeals made to the people of my State and district by the orators of the Democratic party, that the repeal of the Missouri compromise would not only tend to make Kansas and Nebraska free States, but that slavery could not exist now south of the line of 360 30', and that the result would be, that not only these Territories would be made into free States, but that a cordon of free States would be established in the future to the Pacific ocean. That was the doctrine there; and I have no doubt that there are northern Democrats here now, who owe their seats to that position assumed at home; vet, it is a great sin, say that same party now, for men to go to Kansas to make it a free State. I never had any intention to go to Kansas until I saw the condition of things there, and the efforts to force slavery upon its people by means of fraud and violence, and no assistance rendered by this Administration, calling itself Democratic. I then felt like going there to help make it a free State.

Mr. MILLER, of Indiana. Will the gentleman allow me a word?

will then point them to the instructions upon the Mr. CUMBACK. I cannot now. I will,

when I get through, allow my colleague to ask me any question that may please him. He will please excuse me now.

I ask the gentleman from Missouri how often, and how many at a time of the people from the northern States, are to go to Kansas to become citizens? Has it come to this, that Missouri must be consulted on this point? Has it come to this, that when a few men go together to settle in Kansas, to find a home for themselves and their children, that because they are northern men, and love freedom better than slavery, and will so vote, that that is to be considered as warring against the rights of Missouri, and justify a descent upon the rights of these men? If that doctrine is to be established as the correct one, if I were to go to Kansas holding the opinions which I do in regard, to the extension of slavery-and I certainly would not leave them behind me-I would be warring against Missouri! Sir, if this is the doctrine, and I were in that Territory a citizen, and my right to vote was questioned by outsiders, there would be war between me and the invader of my rights at once. I pray gentlemen to tell us what rights the Missourians have in Kansas until they become actual settlers in the Territory? We were told that the PEOPLE were to be left perfectly free to form their own institutions in their own way, and that it was an outrage upon their rights to prohibit slavery there by law; yet it seems that outsiders, in the face of this Administration, have been left perfectly free to override all the rights of the citizens there, and no protection is afforded them. But I wholly deny that men of the North have gone to Kansas for the purpose of simply controlling the institutions of that Territory, intending, as soon as it was made a free State, to return. Some of them may have returned; but in going there, they all had an intention of becoming citizens of the Territory and actual residents. They wished, it is true, to make the Territory a free State. By the legislation of our fathers, that Territory was guarantied to freedom forever, and we intend that it shall be "forever"

Mr. PHELPS. I appeal to the gentleman, as he has asked me a question, to let me make a

Mr. CUMBACK. I cannot yield now.

Mr. PHELPS. Do not ask me questions, then, if you do not intend to give me an opportunity to reply.

Mr. CUMBACK. You may have the whole session to reply when I am done. The doctrine of the Democratic party, as I said a while ago, was once resistance to slavery agitation. James | benediction as is here pronounced upon its original

K. Polk, in speaking of this very same Missouri compromise, does not stigmatize it, as does my friend from Missouri, [Mr. OLIVER,] and other Democrats, as an "odious measure." He said that it was a great act of conciliation; that its authors were hailed as public benefactors. That was the Democracy speaking through James K. Polk, while President of the United States, and supported by this party. Its authors were hailed as great "benefactors;" and when we succeed in restoring that compromise, and guarantying free institutions in Kansas and Nebraska to our children and our children's children forever, then we shall be hailed as "public benefactors."

Mr. RICHARDSON. Where in James K. Polk's writings does the gentleman find the expression which he uses?

Mr. CUMBACK. I decline to be interrupted.

Mr. RICHARDSON. I think you cannot; you do not know.

Mr. CUMBACK. We will see who knows. Here it is in Polk's special message, on the 14th of August, 1848, on the Oregon question:

"In December, 1819, application was made to Congress by the people of Missouri Territory for admission into the Union as a State. The discussion upon the subject in Congress involved the question of slavery, and was prosecuted with such violence as to produce excitements alarming to every patriot in the Union. BUT THE GOOD GENIUS OF CONCILIATION, WHICH PRESIDED AT THE BIRTH OF OUR INSTITUTIONS, FINALLY PREVAILED, AND THE MISSOURI COMPROMISE WAS ADOPTED. The eighth section of the act of Congress of the 6th of March, 1820, 'to authorize the people of the Territory of Missouri to form a constitution and State government, &c., provides:

" 'That in all that territory coded by France to the United States, under the name of Louisiana, which lies north of 436° 30' north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crime, 'whereof the party shall have been duly convicted, shall be, 'and is hereby, forever prohibited : Provided always, That any person escaping into the same from whom labor or 'service is lawfully claimed in any State or Territory of the 'United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

"This compromise had the effect of calming the troubled waves, and restoring peace and good-will throughout the States of the Union. The Missouri question had excited intense agitation of the public mind, and threatened to divide the country into geographical parties, alienating the feelings of attachment which each portion of the Union should bear to every other. The compromise allayed the excitement, tranquilized the popular mind, and restored confidence and fruternal feelings. ITS AUTHORS WERE HAILED AS PUBLIC BENEFACTORS!"

Mr. Speaker, we propose to tranquilize the public mind-to put a quietus on the outrages in Kansas by restoring the prohibition of slavery in that Territory; and, sir, I have no fears but that posterity will pronounce upon our act the same

enactors by Mr. Polk. Gentlemen may talk about a dissolution of the Union, if that is attempted, as long and as loud as they choose. I read from this same message of Mr. Polk, on that point, and let gentlemen who professed to be Democrats then and now, to ask themselves who are the disunionists. It will be remembered that when Texas was admitted into the Union, the compromise was applied to all the territory of Texas north of that line. Mr. Polk, in speaking of the compromise and the admission of Texas, says:

"Ought we now to disturbithe Texas and Missouri compromises? Ought we at this late day, in attempting to annul what has been so long established and acquiesced in, to excite sectional jealousies and divisions, to alienate the people of different portions of the Union from each other, AND TO ENDANGER THE EXISTENCE OF THE UNION ITSELF?"

Let gentlemen answer, who are the enemies of the Union. We are told by the gentleman from Missouri that the Missouri compromise was an odious measure, forced upon the South against their will by votes from the North. I ask the gentleman to look a little more cautiously to the history of the legislation of 1820, before he makes such wild assertions. I ask him to look at the votes of northern and southern men at its enactment. I hold in my hand a letter from a distinguished gentleman from the South, which was written at the time the Missouri compromise was passed.

> "Congress Hall, March 2, 1820, Three o'clock at night.

" DEAR SIR: I hasten to inform you that this moment we have carried the question to admit Missouri and all Louisiana to the southward free, from the restriction of slavery, and give the South an addition of six and perhaps eight members to the Senate of the United States. IT IS CONSIDERED HERE, BY THE SLAVEHOLDING STATES, AS A GREAT TRIUMPH."

The enactment of the Missouri compromise, at the time when it gave Missouri, a slave State, into the Union, and when it gave that territory south, also free from restriction, was a great triumph. But, sir, when the other side of the contract is about to be carried out, it suddenly becomes a very "odious measure." But Mr. Pinckney goes on in this same letter, and says:

"The votes were close-ninety to eighty-six, (the vote was so first declared)-produced by the seceding of a few absent and moderate men from the North. To the north of 36° 30', there is to be, by the present law, restriction, which you will see by the votes, I voted against. But it is at present of no moment. It is a vast tract, uninhabited, only by wild beasts and savages, in which not a foot of the Indian claim to the soil is extinguished, in which, according to the ideas prevalent, no land office will be open for a great length of time. "With respect, your obedient servant, "CHARLES PINCKNEY."

But, by-and-by, in the course of events, that territory has become open for settlement, and States are to be made out of it, and then the institution of slavery, like the fabled dog of old, which never sleeps, puts its eye upon it, and now it becomes a great sin for a freeman to go into Kansas for the purpose of making it a free State. The gentleman from Missouri tells us that the ruling principle which prompted men to go to Kansas, was freedom for the African. Well, sir, I confess, in my own heart, I have some sympathy with the African, bound and enslaved as he is, and sold in the market, often from his own wife and children, but I have more for the white man. Slavery is a curse to the white man as well as to the slave. But with slavery in Missouri I have nothing to do. I do not wish to interfere with it there. You are responsible for it there. But, in Kansas, I have something to do, and I will therefore interfere. The men who went there desired to make Indianas and Ohios of the Territories of Kansas and Nebraska. Their object was to guaranty to their children and their children's children the blessings of free labor and free institutions. They wanted to transmit to their children the same rights which our patriotic fathers transmitted to us in the northwest, by the ordinance of 1787. Ay, this doctrine is sectional now. Why? South Carolina, Massachusetts, New York, and Virginia will not now stand upon the same platform that they did then. That was in the better days of the Repub-That was when Jefferson, and such men, legislated for the country. If it has become sectional, who made it so? It has not been made so by our leaving the doctrines of our fathers. Von have seceded from it and claim to be wiser than thev.

But the gentleman from Missouri closes his argument by asking this question: "Who will vote for this investigation?" Let me rather ask him, who will vote against it? Rather let me ask where is the man who will stand up in this Hall and say he will not vote for a full and free investigation of all the facts connected with this Kansas matter? For my own part, I say I will vote for it. I want all the facts of this case developed. that the country may see who is wrong and who is right. Truth never shrinks from investigation.

Mr. Speaker, I did not intend, at this time, to say as much as I have said. I rose merely to correct some statements made by my friend from Missouri, [Mr. OLIVER,] who has just spoken in reference to the original enactment of the Missouri compromise, and to ask that gentleman what right-if the proceedings in Kansas were even irregular-had Missouri to interfere ? Who made Missouri the protector of Kansas, and the power to be consulted as how often and how many men shall emigrate to Kansas to secure free institutions to that Territory? If those persons went to Kansas, and ovted irregularly and without rights, which I wholly deny, it was the duty of the government of Kansas to punish any irregularities committed by these men. That was not the duty of Missouri, any more than it was the duty of Indiana. The legislation of the Territory of Kansas is not in any way connected with the legislation of Missouri.

But if that Legislature which made the law under which General Whitfield was elected, was elected by residents of the State of Missouri, was the spawn of fraud and violence, let us remove the veil and show the country the origin from which emanated this law. Let the country know how it was that a body of men was chosen who have enacted a code more bloody than the laws of Draco—more at war with the rights of men—than ever emanated from the throne of the most absolute despotism; more disgraceful to our republican Government than anything that has occurred since its formation. Who will vot to refuse inquiry into these things? We will see.

The following are specimens of the legislation of the Territory of Kansas:

Kansas Slave Code.

AN ACT to punish offenses against slave property.

Be it enacted by the Governor and Legislative Assembly of
the Territory of Kansaa, That every person, bond or free,
who shall be convicted of actually raising a rebellion or insurrection of slaves, free negroes, or mulattoes, in this Territory, shall suffer death.

Suc. 11. If any person print, write, introduce into, or publish or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist in bringing into, printing, publishing, or circulating usitin this Territory, any book, paper, pamphlet, magazine, handbill, or circulat, containing any statements, arguments, opinion, sentiment, doctrie, advice, or innuendo, calculated to produce a disorderly, dangerous, or rebellious disaffection among the slaves in this Territory, or to induce such slaves to escape from the service of their masters, or to resist their unitority, shall be guilty of a felony, and be punished by imprisonment at hard labor for a term not less than five years.

SEC. 12. If any free person, by speaking or writing, sesser or maintain that persons have not the right to held slaves in this Territory, or shall introduce into this Territory, print, publish, write, cleratte, or cause to be introduced into this Territory, written, printed, published, or circulated in this Territory, written, printed, published, or circulated in this Territory, who book, paper, magazine, pumpilet, or circular containing any denial of the right of persons the state of the presson shall be deemed guitty of felony, and punished by imprisonment at hard labor for a term ucle used than two years.

SEC. 13. No person who is conscientiously opposed to holding slaves, or who does not admit the right to hold slaves in this Territory, shall sit as a juror on the trial of any prosecution for any violation of any of the sections of this act.

This act to take effect and be in force from and after the 5th day of September, A. D. 1855. J. H. STRINGFELLOW, Speaker of the House.

Attest: J. M. LYLE, Clerk.

THOMAS JOHNSON, President of the Council.

Attest: J. A. Haldeman, Clerk.

AN ACT to punish persons decoying slaves from their

Be it enacted by the Governor and Legislative Assembly of Kansas Territory, If any person shall entire, decay, or carry away out of this Territory, any slave belonging to another, with intent to deprive the owner thereof of the services of such slave, or with intent to effect or procure the freedom of such slaves, he shall be adjudged guilty of grand lareery, and on conviction thereof shall suffer death.

grain interity, and on conviction interest shared reads.

Sec. 2. If any person shall aid or assist in entitling, decoping, or persuading, or carry away, or sending out of Ireritory, any stave belonging to another with intent to procure or effect the freedom of such slave, or with intent deprive the owner thereof of the services of such slave, he
shall be adjudged guilty of grand larceny, and on conviction
thereof shall suffer death.

uneron shall stated attain.

Sec. 3. If any person shall equice, decoy, or carry away

Sec. 3. If any person shall equice, decoy, or carry away

shall also any shall be a second or shall also any slave belonging to another, with intent to procure or

differ the freedom of such slave, or to deprive the owner

there of the services of such slave, and shall bring such

slave into this 'Perritory, he shall be adjudged quilty of grand

larceny, in the same manner as if such slave had been en
ticed, decoyed, or carri al away out of this 'Perritory'; in

such case the larceny may be charged to have been com
mitted in any county of this 'Perritory into or through which

such slave shall have been brought by such person, and on

conviction thereof, the person offending shall suffer death.

An act regulating oaths and prescribing the forms of oaths of office.

One of the provisions of an act to regulate elections.

Provided further, Than if any person offering to vote shall be challenged and required to take an oath or affirmation, to be administered by one of the judges of the election, that he will sustain the provisions of the above rectived acts of Congress, (i. e., the fugitive slave laws of 1758 and 1850, and of the act entitled "An act to organize the Territories of Nebraska and Kansas," approved May 33, 1854, and shall refuse to take such oath or affirmation, TEE VOTE OF SUCH PERSON SHALL BE REJECTED.—Pamphlet Laws, 1p. 332.

Section 3 of m act concerning attornegs at law, Provides that "every person obtaining a license shall take an each or affirmation to support the Constitution of of an act entitled States, and to support and statish the provisions of an act entitled 'An act to organize the Territories of Nebraska and Kanassa,' and the provisions of an act commonly known as 'the fugities date lan," and faithfully to demean himself in his practice, to the beat of his knowledge and ability."—Pamphild Laws, p. 132.

FREE SOIL, FREE SPEECH, FREE MEN.

PROCEEDINGS

OF THE

DEMOCRATIC REPUBLICAN

STATE CONVENTION,

AT Syracuse, July 24, 1856.

THE

ADDRESS AND RESOLUTIONS,

WITH THE

LIST OF DELEGATES.

ALBANY.

PRINTED BY ORDER OF THE CONVENTION.

1856.

PROCEEDINGS

OF THE

DEMOCRATIC REPUBLICAN

STATE CONVENTION.

In response to a call, signed by a large number of Democrats in various parts of the state, the Convention assembled at Syracuse on the 24th of July, 1856.

The Convention met at 11 o'clock, and was called to order by PLATT POTTER, Esq., of Schenectady, who nominated BENJAMIN WELCH, Jr., of Erie, for temporary Chairman. Carried, with applause.

H. H. VAN DYCK, of Albany, nominated Mr. EATON (editor of the

Herkimer Courier) for Secretary. Agreed to. Hon. Thomas Carroll, of Rensselaer, nominated Mr. Carr, of

Rensselaer, for second Secretary. Agreed to.
J. C. Smith, of Ontario, moved a Committee be appointed to report

permanent officers. The motion was adopted.

The Committee consisted of two from each Judicial District, as follows:

1st Dist,-Messrs. Kennedy and Northrup.

2d " -Messrs. Floyd and Dennison.

3d "—Messrs. Wilder and Pulver. 4th "—Messrs. Cochrane and Chapin.

4th "—Messrs. Cochrane and Chapit 5th "—Messrs. Hunt and Outwater.

6th " —Messrs. Gregg and Chase. 7th " —Messrs. James C. Smith and Godfrey.

8th " -Messrs. Fargo and Bristol.

David Dudley Field, Esq., of New-York, moved the appointment of a Committee of two from each judicial district, to prepare Resolutions and an Address. Carried.

The Committee was appointed as follows:

Messrs. Field, Robinson, Dennison, Floyd, Van Dyck, Wynckoop, Churchill, Adams, Jenkins, Morgan, Campbell, Huson, Barlow, Denin, Thayer, Davis.

Adjourned to 3 o'clock, P. M.

AFTERNOON SESSION.

SYRACUSE, July 24-3 P. M.

The Convention met pursuant to adjournment, Hon. BENJAMIN

WELCH in the chair.

M. I. Townsend, Esq., of Rensselaer, moved that all Democrats present from any part of the state, who concur in the object of the Convention, be requested to hand up their names to the Secretary. Agreed to.

Mr. J C. Smith, of Ontario, from the Committee on Permanent Organization, made the following report, which was unanimously

agreed to:

President-JAMES S. WADSWORTH, Livingston.

Vice-Presidents—John A. Kennedy, New-York, Robert Denniston, Orange, Join T. Hogeboom, Columbia, Henry Churchill, Fulton, T. Jenkins, Oneida, Ariel S. Thurston, Chemung, Oliver H. Petrie, Monroe, T. J. Fythiam, Erie.

Secretaries—Charles J. Folger, Ontario, Charles H. Munger, Toga, A. W. Eaton, Herkimer, John B. Carr, Kensselaer, H. D. Rich, Jefferson.

Messrs. C. Smith and Martin I. Townsend conducted the President to the chair.

On taking the Chair, Mr. Wadsworth spoke as follows:

I thank you, gentlemen of the Convention, for the distinguished honor which you have conferred upon me. The occasion which has brought us together is one of deep and abiding interest to us and to those whom we represent. If the result of our deliberations should separate us from some of the political associates with whom we have passed the best years of our lives, we cannot weigh too cautiously every step we take. But, Gentlemen, if in the pursuit of wisdom to direct our course, we go back to the early days of the Republic—to the infancy of the great Republican Party—to the days of Jefferson (a man, let me add, whose memory is not less dear to our hearts, because, if he were living to-day, he would be driven an exile from his native state, and would not be allowed to emigrate to the vast domain which he secured for his country west of the Mississippi), if we go back to those times and drink deep at the fountains of freedom, it will be our own gross error if we go far astray.

On coming down to a later period—to the times of Silas Wright, of Michael Hoffman, of Samuel Young—men who have gone from among us, but were yet of our own time, with whom we have fought side by side, who never betrayed us and whom we never deserted—if we adopt the principles we have so often heard so earnestly expressed from their own lips—if we stand where they stood—we need have no fears for the result. Those men were Democrats because they believed in Democracy, and not because it was the name of a platform placed under them or over them. They did not look to Washington for advice, or to Cincinnati for principles. They gathered wisdom from the honest and sure instincts of the popular mind, and strength from the popular will. If we follow in their footsteps, we may safely

abide the verdict of November.

I had the honor, gentlemen, to be a Delegate to the Democratic Convention which met in this city prior to the election of 1848. We laid down then and here, as one of the foundation stones of the Democracy of New-York, opposition to the extension of Slavery.

I see arous d me many of the men who were with me Delegates to the Baltimore Convention of that year... I claim that we proved ourselves worthy of the great trust reposed in us by the Radical Democracy of New-York, when we came out of that Convention, rather than see the principles of our constituents trampled in the dust. We came home and appealed to those who had sent us there. We were sustained by a hundred and twenty thousand of the Democratic electors of New-York. A few men have since been seduced from us by the allurements of office and the flatteries of power; but if we stand where we stood then, on the same eternal principles, I firmly believe that we shall find the people where we found them then. For one, I shall impatiently, but confidently, await the great verdict of the country upon the stand I trust we shall take here to-day.

'I will not, gentlemen, further detain you, except to ask your friendly aid, and if need be your forbearance, in the discharge of the duties

you have imposed upon me.

ADDRESS

Adopted by the Democratic Republicans, assembled at Syracuse, July 24, 1856.

DAVID DUDLEY FIELD, Esq., of New-York, reported the Address, and Resolutions as follows:

Fellow Democrats: The time has come for Democrats to declare their independence of those packed conventions which have lately assumed to dictate the measures and the candidates of the Democracy. That party of glorious memory, which once spoke and acted for Freedom, has fallen into the hands of office holders and political adventurers, serving as the 'tools of a slaveholding oligarchy. For more than ten years the measures of the General Government have been directed mainly to the increase of Slave States. One measure has followed upon another, each bolder than the last, until we have violence ruling in the Federal Capitol, and civil war raging in the Territories.

For the consummation of each measure, the venal have been purchased, the timid frightened by threats of disunion, the peace-loving soothed by promises of futute quietness, and the reluctant and resisting silenced or overborne by the clamor and force of party. Each success has led to a new aggression, until at last the weak man now at the head of the Government, stimulated by a Senator from Illinois, in a rivalry for a Presidential nomination, and believing that the best means of reaching it was to secure the entire Southern vote, and the best means of obtaining that, a new sacrifice to Slavery, attempted to force through Congress the repeal of an existing law, by which a compromise had been effected by our fathers more than a third of a century past. These rival demagogues succeeded in effecting the repeal, though they lost their reward.

By this act of crime, unparalleled even in our day of political crimes, one of the fairest regims of our country, and, indeed, of the world, has been converted into a field of battle, where citizens of a common country are fighting with each other for the introduction or exclusion of human servitude. Such another spectacle the world does not present. And the end of it is dependent upon the event of a Presidential election.

To excuse themselves, the authors of the measure put forth the plea, that the people of the Territories had the right to govern themselves. If this were true, it would not have justified the Kansas-Nebraska act,

for that was a mere abandonment of Congressional interposition in favor of Presidential interposition, leaving the law-making power to the people, but reserving the executive and judicial to the President or his nominees. It was an abdication by Congress of its legislative functions in favor of the executive.

But the plea was as untrue in fact as it was unworthy in motive. They who put it forth have already abandoned it. The Senate has passed a bill proposing to annul some of the most obnoxious acts of these law-makers; and the authors of the mischief, shrinking from the consequences of their own acts, and forgetting that others will remember their tergiversation, attempt to escape some of the condemnation by undoing a part of the evil.

If the people of the Territories have the right to govern themselves, they may make their governors and judges as well as their legislators. If they have not the right, Congress has it; and if Congress has it, it must be exercised according to the judgment and conscience of the country. The true question, therefore, is, what legislation on the subject of Slavery in the Territories do the judgment and conscience of the country require?

The present question is, indeed, narrower than that, for it relates merely to the Territories of Kansas and Nebraska. These, the legislation of Congress, perfected in 1820 by the votes of the North and South—chiefly South—solemnly and forever set apart as Free soil. That dedication of the soil to Liberty, the degeneracy of the present day has annulled. And the legislation which is now required is that which is necessary, whatever it may be, to make Kansas Free.

This is demanded alike by every consideration, past, present and future. If Kansas, which the past made free, is now to be changed to slave, there must be an end of compromises and of conciliatory legislation; the faith which prompts one legislature or one generation to respect the engagements of another must disappear; and how long a government can be carried on without that faith and confidence, without something more than written constitutions, worked by mere majorities regardless of everything but their own strength and will, they who have read history can answer.

If the present struggle is to end, as the Illinois Senator has boasted, in the subjugation of those who opposed his mischievous bill, then, indeed, is the spirit of evil let loose, intimidation and violence are in the ascendant, the real opinion of the country is a thing to be despised, conscience may be laughed at, and it is of no importance to the President or Congress what the people of the North may wish; if the South can be secured, with the Northern office holders and purchaseable Members of Congress, any measure may be safely carried and

maintained. How such a state of things commends itself to the spirit, or self-respect of Northern electors, we ask them to answer.

But what shall we say of the future? Kansas lost to Freedom, and as a home for the oppressed of all nations; free labor driven across her borders, and that noble domain of the New-World, broader and fairer than many a realm of the Old, made, not prosperous and rich like Wisconsin and Iowa, but half barbarous, like Western Missouri

That, however, is not the worst consequence. The same spirit which contrived the Kansas conspiracy, already hints that the prohibition of the slave trade is an unjust discrimination against the South. And why not? If Slavery be no evil, or if a Federal legislator may not legislate on the idea that it is an evil, why should he make it piracy to bring a slave into the country? Why not let each man buy, according to his own conscience, what he finds to be property, or, which is the same thing, what he finds anywhere to be salable? The same principle which justifies the Kansas act must justify the slave trade, and condemn, as an infringement upon the equal rights of the South, the exclusion of the foreign traffic. That step being taken, and it is the next if the present succeeds, then Slavery is virtually established in all our States, for, according to the high Federal, or, as the phrase is, the National doctrine of some of our courts, whatever Congress authorizes to be imported may be sold, any law of any state to the contrary notwithstanding.

No, fellow Democrats, our only safety is to stop where we are—to make Kansas a Free State—to punish the authors of the present agitation, and in that way, for that is the only way in which it can be

done, put an end to the Slavery agitation.

How is this to be accomplished? By rejecting the Cincinnati Convention and its nominees-for they are inseparable. That Convention met while the country, or, at least, all but the Southern part of it, stood grieved and shocked by the violence and lawlessness in Washington and in Kansas. But not a word of disapprobation did the Convention utter. They resolved upon certain truisms which nobody has ever disputed; passed a resolution against a Bank of the United States, as if anybody had dreamed of such a thing for years-a subject just as pertinent to our present circumstances as the Virginia or Kentucky resolutions; and then gravely resolved that every new state must form its own institutions, by implication denying both to Congress and to the Territorial Legislature the right to exclude Slavery. It must also be borne in mind, that the author of the Kansas act and the nominees of the Cincinnati Convention have, to this day, declined to say that the people of the Territories have the right to exclude Slavery.

Who does not know that no Free state has ever yet been admitted into the Union, into which, as a territory, Slavery was admitted? Who does not know that Slavery will go wherever a slaveholder goes, if he is permitted to take it with him; that Slavery exists in Kentucky, in a higher latitude than some counties of Ohio and Indiana, and in Missouri, several hundred miles further north than the southern limit of the free State of Illinois; that it is an institution easily planted in the infancy of settlements, and most difficult to be eradicated in their maturity?

But why not let the people of a territory decide the question for themselves? say these new professors of "Squatter Sovereignty," or at least said so before they introduced fire and sword into Kansas. to disarm the squatters, in violation of "the right of the people to bear arms"-to break up their meetings, in violation of their "right peaceably to assemble and petition for a redress of greviances"-to disperse their assemblies, gathered to make their own laws-to burn their houses, built with many toils and sacrifices in the midst of the prairies-to hunt their wives and children into the wilderness, their only refuge from the fury of these guardians of squatters' rights. Why not let them decide the question for themselves? If they who decide were only deciding for themselves, there might be some plausibility in the question. But they decide for themselves and for all future inhabitants of the territory. They who come into a territory after slavery is introduced, have not a free choice in the matter. At the very least, wait until there is a sufficient population to make a state before you let slavery come in. Was it ever heard that when a ship's company is making up for a voyage, the first ten passengers who put their feet on board may make rules for the ninety who follow-rules that shall be unalterable until the ship shall have been a hundred days at sea? And was it any better to provide that the few squatters who entered Kansas before March, 1855, should make laws which could not be altered for two years, even though the population should, in the next year, have increased an hundred fold ?

Then, it is asked, what interest is it to us whether the people of Kansas have slaves or not? Is it of no interest to the people of this generation, throughout the country, that Virginia is a slave state? If she had been free, what would now have been her population, her wealth, her resources, her rivers white with sails, her ships all over the globe, her lands cultivated like a garden. If it had fallen to the lot of any statesman of a past generation to decide whether that Commonwealth should be free or slave, and he had, for any motive, allowed it to become slave, how would his memory have been cursed by every true Virginian of our day! Who that looks now at Missouri does not

see the bitter fruits of that weakness or facility of temper which led a few Northern men to unite with the South in yielding it up to slavery? And hereafter, when we who are now in life are passing into the grave, will it not be a stain upon our names and a shadow upon our consciences, if, having the power to prevent it, we shall permit Kansas to be slave—another marauding Missouri, instead of a peaceful lowa, or even a Virginia, instead of a New-York or Pennsylvania?

Mr. Buchanan, the candidate of the Cincinnati Convention, stands pledged to make the resolutions of that Convention his rule of faith and practice. If we are to take his own declaration, he is to be rather an automaton than a free agent. The Convention which nominated him—that motley and noisy crowd which nobody would have allowed to decide a matter of business of the smallest importance for himself—has done the thinking of the President for the next four years, if Mr. Buchanan should happen to be that President. Such a candidate, under such circumstances, we cannot support.

Shall we, then, throw away our votes? That we cannot do, for two reasons: one, that we shall thus indirectly contribute to Mr. Buchanan's election; the other, that there is a choice. Mr. Fremont, who has been nominated by the Republicans, is an acceptable candidate. His professions and his antecedents are all democratic, and strongly in his favor. He is known to be a man of great capacity, energy, probity and honor. In his hands the Presidential office will be vigorously and justly administered. We have, therefore, nominated him for the Presidency, and his associate, Mr. Dayton, for the Vice-Presidency; and we ask you, Democrats of New-York, to ratify this nomination.

We make no attack upon the South. We remember that the Southern people are our brethren, and brethren we mean them to continue. But they shall not interfere with our rights, nor introduce their institutions into our states, nor fasten them upon the territories before those territories are mature enough to be states, and, as such, to determine their own institutions. We know well how many noble men and women there are in all the South; and we believe that many of them agree with us in respect to the extension of slavery. It is the Southern politician and the Northern traitor who have done the mischief, and whom we wish to restrain.

We make no attack upon state rights. We do not believe in the right of the people of one state to interfere with slavery in another. We no more believe in the right of New-York to unmake a slave in Georgia than in the right of Georgia to make a slave in New-York. The laws of New-York and of Georgia must equally determine the personal relations of all within their respective limits. But believing that the territories are under the jurisdiction and subject to the legis-

lation of the Union, confident that there can be no peace in any territory bordering on a slave state, but by an act of Congress declaring the personal relations of its inhabitants, without which civil war is inevitable; and believing, moreover, that as is the territory so will the state be, we are firmly and unalterably opposed to the introduction of slavery into any territory of the United States.

Such is the disordered state of affairs, under the control of the General Government, as to demand of every citizen the most vigilant scrutiny and the gravest deliberation. Each elector throughout the United States has an important office to perform at the coming election; and in any neglect to exercise that invaluable right, or any indifference as to the manner in which it shall be exercised at a crisis-like this, is guilty not only of an ordinary omission of a known duty, but of gross negligence, approaching criminality.

How has it happened that the sham Legislature of Kansas, elected by the combined influence of fraud and force, has dared to do any act bearing even the name of law? How dared such a body so abuse the civilization of this age as to expel some of its members for no cause whatever, and pass a code of enactments which would disgrace a council of savages? Why has the property of the peaceable citizens of that territory been destroyed, their liberty invaded, and their lives wantonly sacrificed? Why the gangs of marauders from the adjoining tsate pervading this territory? Why the interruption of and abuse to settlers on their way thither, and the tone of arrogant defiance and abuse of Atchison, Stringfellow and their associates to the Free State men of Kansas? All this has been done under the pledge, express or implied, of the National Administration, that every measure tending to the establishment of Slavery there, and the exclusion of Freedom, should have the hearty cooperation of that Administration. Many other pledges of this Administration have been broken, but that pledge has been kept to the letter.

Why has Judge Kane held that Slavery so far exists in the Free states as to allow parties of pleasure and others to invade the Free states with their retinue of slaves, and there to hold them in the yoke of servitude? Surely, it must be to tutor the Free North into acquies, cence or subserveiency to the institution of Slavery. Why has the slave trade sprung up in such alarming strength, and been carried on by traders residing in the city of New-York during the past year? Why have Mr. Buchanan and his associates at the Ostend Conference unblushingly claimed the right in our Government to take Cuba by force, if it could not be gained by purchase? Why has the Cincinnati Convention followed up the Ostend manifesto with the more startling announcement of the duty of this Government to exercise a protectorate

over the whole country bordering on the Gulf of Mexico? Why have Douglas, Pierce and Buchanan, in succession, become converts to the new doctrine that the General Government has no power to control the territories?

Why have the arms of the nation been turned to oppress our own citizens? Why the subject of slavery agitated by the President, contrary to his express pledges, and the treasure of the nation pourcd out in profusion upon the supporters of that institution?

These are questions which electors will not fail to inquire into and answer at the ballot box.

The abusive and indecent epithets made use of by the chief supporters of Mr. Buchanan against the friends of Fremont; their disparagement of freedom and encouragement of slavery; their abandonment of every democratic principle, and their devotion to the most odious of all oligarchies, must shake the confidence of the electors in that party, and make the party itself as desperate in its fortunes as it is corrupt in its means of attaining success.

If the spirit of hostility to our free institutions, manifested by the supporters of Mr. Buchanan, had been as violent during the days of Washington, Jefferson and Madison as it now is, those patriots would have been driven from their native state for their love of liberty, and compelled to seek protection where sentiments in unison with their own were held sacred.

The attempts of the Buchanan press generally to misrepresent the true condition of affairs in Kansas; their desire to make light of the depredations committed by the national administration party against life, liberty and property; the open applause or silent acquiescence of the same party in appeals to brute force, exhibited at the Capitol of the nation during the present session of Congress; their efforts to induce Congress to pass the bill concocted by Senators Toombs and Douglas, containing an ingenious but effective guarantee of slavery to Kansas, though persevered in with that clamorous assurance and dictatorial air strongly characteristic of gross wrong—must and shall be thoroughly canvassed and exposed. The people will not fail to stamp such duplicity with merited condemnation.

The series of measures terminating in the repeal of the Missouri Compromise has proved disastrous to the political prospects of the originators and promoters of the scheme, and subversive of public tranquillity. Mr. Buchanan is a fresh recruit to this service. He has surrendered his principles to the dictation of others. His antecedents are strongly against him. He is not a sound representative of the true Democracy of the nation. With his tendency to foreign aggression and domestic strife and discord, he is eminently fitted, by nature and

position, to carry out the policy of President Pierce in all its parts. The one has introduced civil strife among our people as the most noticeable feature of his administration—the other, if elected, seems likely to adopt the same feature in his domestic policy, and also to embark in foreign wars for the purpose of conquest. This Convention is prepared to stamp both of these projects with unreserved and unalterable condemnation.

President Pierce promised the Democracy of the nation an economical administration of the government. In this, also, his pledges have been broken. No administration has been more prodigal than his. The time which he should have devoted to retrenchment and reform has been lavished in fruitless efforts to secure his own re-nomination and reflection. The dupe of the Cushings and the Davises, his treachery to principle was paid off at Cincinnati with a cheap recompense—THE VOTE OF AN INSINGERE AND HEARTLESS MINORITY. We trust that the defeat of Mr. Buchanan, in November next, will save him from a similar fate.

If Mr. Buchanan is elected, Kansas is slave. If Mr. Fremont is elected, Kansas is free. Thus thinking, we shall labor against the one and for the other. And we earnestly ask our fellow-Democrats to aid us in the work.

RESOLUTIONS.

Forasmuch as the last Convention of the Democratic party in this state and the late Convention at Cincinnati have not only kept silence respecting the public disorders and violence which now unhappily prevail, but have adopted resolutions on the subject of slavery in the territories which are at variance with the traditions and the principles of the democracy, are anarchical in their tendency and immoral in their results; and forasmuch, also, as the question of slavery extension has been forced by the administration and the Cincinnati Convention into one of paramount importance, and is made by politicians the hinge on which all other questions turn; therefore

Resolved, by the Democrats of New-York here assembled, representing the democracy of the state, That we repudiate these Conventions and all their proceedings, and will act as independently of them as if they had never assembled.

Resolved, That, as Democrats, we stand on the platform of Jefferson and Jackson, Tompkins and Wright—on principles which do not change with the clamor of packed conventions or schemes of seekers after nominations, and because the extension of slavery has never been and can never be the purpose or result, immediate or remote, of true democracy, we hereby declare our uncompromising hostility to it, and our firm resolution to resist it by every lawful means, we will vote for no man who contributes to it directly or indirectly, and we will oppose the election of any person who does not oppose it as we do.

Resolved, That because the nominees of the Cincinnati Convention are pledged to make the resolutions of that Convention their guide and rule of conduct, and because their election would prolong and tend to perpetuate the deplorable misrule of the present administration, and because the extension of slavery, and the waiver, for the present, of other questions of subordinate importance, and because the opinions of John C. Fremont and William L. Dayton on this subject agree with our own, and there is much in their history and character to commend them to our regard, we hereby nominate them for the offices respectively of President and Vice-President of the United States, and will use every honorable effort to secure their election, that we may rescue the Presidential office from the degradation into which it has fallen, and the politics of the country from the corruption which is fast undermining our best institutions.

Resolved, That the chief practical question in the Presidential election is the question of freedom or slavery in Kansas. The election of Mr. Buchanan would make Kansas a slave state, and give courage and strength to the slave element in our national government; while the election of Mr. Fremont will make Kansas a free state, and reduce slavery to what it was in the better days of the republic, and ought ever to have been, a purely state institution, determinable by the states, each for itself, over which the other states have no control, and for it no responsibility.

Resolved, That as it respects other questions of national or state policy, though the administration and the Cincinnati Convention have made them to be all swallowed up in this one question of slavery extension, yet we are none the less attached to all democratic principles and measures, and none the less ready to labor for them on all necessary occasions.

Resolved, That a State Committee of three from each judicial district be appointed to further the objects of this Convention.

DELEGATES.

Albany.—Ira Porter, T. B. Wheeler, George W. Luther, J. I. Weisner, John B. Luther, Brace Millard, H. H. Van Dyck, Luther Tucker.

Chenango. - William G. Welch.

Cayuga.—George Rathbun, J. D. Button, J. H. Seymour, B. B. Clapp, S. Lockwood, G. O. Rathbun, J. C. Jackson, Ezra Leonard,

Chemung.—A. S. Diven, Wm. M. Gregg, David Decker, D. F. Pinckney, Ariel S. Thurston.

Columbia.—John T. Hogeboom, Rowland S. Slocum, Henry Pulver, Hiram W. Dixon.

Cortland .- George B. Jones.

Delaware.-S. F. Miller.

Erie.—Benjamin Welch, Jr., J. S. Buell, F. P. Stevens, H. P. Thayer, W. G. Farge, E. P. Williams, F. J. Fithian, A. G. Williams, R. H. Stevens, Joshua Gillett, George Call, Henry Martin, D. Allgewaht, E. A. Maynard.

Fulton.-Henry Churchill, A. C. Carson, C. J. Rowland.

Genesee. - John Merrill.

Greene .- P. S. Wynkoop.

Herkimer-Peter H. Warren, Elisha P. Hurlbut, Elias Root, T. R. Brooks, John H. Wooster, A. W. Eaton.

Jefferson,-Willard Ives, C. B. Hoard, John Winslow, H. D. Rich Albert Gurnee, Dexter Haven, Moses Elmer.

Lewis .- Seymour Green.

Livingston .- James S. Wadsworth, Ira Godfrey, E. W. Brown.

Madison .- Thomas Barlow, A. C. Stone, Loring Fowler, Thomas F. Loomis, V. W. Mason, Albert G Purdy, D. W. C. Roberts, G. R. Waldron, Geo. Grant, Jno. Knowles, Jr., Geo. E. Downer.

Monroe.-Wm. Shepherd, James Waring, Roswell Hart, O. H. Palmer, C. Hudson, Jr., D. D. S. Brown, John N. Ingersoll.

Montgomery .- H. C. Adams, David Hackney, John S. Crain.

New-York .- Lucius Robinson, David Dudley Field, John A. Kennedy, Wm. W. Northrup, John B. Jervis.

Oneida .- Timothy Jenkins, J. H. Munger, Hiram Jenkins, S. R.

Kinney, A. M. Wardwell, R. S. Stewart, Ward Hunt, Justice Childs.

Onondaga.—F. W. Curtis, James H. Luther, W. J. Sammons, B.
Van Alstine, J. W. Patten, Norman Vrooman, Wm. W. Tripp, W. B. Haines, J. P. Hicks, Asa Eastwoods, Isaac Morrell, Charles McCansy, John Spencer, Thos. Spencer, Thomas Danforth, Harvey Edwards, John Eastwood, B. F. Green, L. Y. Avery, Thos. Earl, R. Billings, E. Clark, Louis Yehling, B. Harbele, John Schuerman, Gotfried Gensel, R Griffin, P. Lang, Q. A. Johnson, Chas. T. Hicks, Vm. Burton, George Saul, Charles Farney, P. Outwater, Jr., R. Hebbard, H. A. Dillaze, LeRoy Morgan, A. E. Kinney, H. Reigel, Fred'k Taylor, C. C. Slocum, James S. Leach, G. N. Kennedy, James M. Ellis, J. B. Chase, Curtis Moses, W. H. Shankland, A. Rosenfelt, Jos. Seymour, N. Cobb, G. Bloomer, H. S. Fuller, A. Benedict, J. L. Bagg, W. R. Strong, E. L. Dawson.

Ontario.-Chester Loomis, Charles J. Folger, James C. Smith, E. W. Simmons.

Orange.-Robert Denniston.

Orleans .- Noah Davis, Jr., H. J. Sickles, A. T. Castle.

Oswego.-Andrew Van Dyke, G. W. Rathbun, B. Brockway, E. R. Taylor, E. Skinner, John Keller, S. Curtis, J. W. Pratt, H. W. Schroepel, O. R. Jaycox.

Rensselaer .- Lyman Wilder, Thos. B. Carroll, H. Patterson, M. L. Filley, J. G. McMurray, Jno. M. Francis, John Hogan, James O'Callahan, Charles Hayes, Wm. S. Earl, George W. Churchill, E. N. Masters, Joseph B. Carr, M. J. Townsend, Aurelius Bradt.

St. Lawrence .- D. M. Chapin.

Schuyler .- J. H. Chapman.

Schenectady .- Clark B. Cochrane, Platt Potter.

Seneca .- Addison T. Knox, Hugh Montgomery, R. Parks. Steuben.-Oliver A. Allen, John D. Collier, Alonzo Graves, S. T. Hoyt, Samuel L. Alley, Robert Campbell, Albert C. Morgan.

Suffolk .- John G. Floyd.

Sullivan .- John P. Jones, Charles H. Van Wyck.

Tioga.-E. G. Gibson, C. A. Munger, G. O. Chase.

Tompkins .- John H. Selkreg.

Wayne .- John Adams, A. McIntyre, S. B. Jordon, F. H. Purdy, S. S. Poppin, E. T. Grant, Wm. Edwards, Lyman H. Sherwood, D. H. Devoe, Robert Ennis, Harlo Hyde, W. P. Nottingham.

Wyoming .- William Bristol, Jr.

STATE COMMITTEE.

JAMES S. WADSWORTH, of Livingston.

1st District.-David Dudley Field, Jonathan J. Coddington, James H. Titus.

- 2d District.-Robert Denniston, John G. Floyd, Philip S. Crook.
- 3d District .- John T. Hogeboom, Ira Porter, John A. Millard.
- 4th District .- Platt Potter, John F. Sherrill, D. M. Chapin.
- 5th District.-Elisha P. Hurlbut, Ward Hunt, Seymour Green. 6th District .- W. M. Greig, John H. Selkreg, W. G. Welch.
- 7th District.-Robert Campbell, Ira Godfrey, Henry R. Selden.
- 8th District.-Martin Grover, F. P. Stevens, H. J. Sickles.

SPEECH



GI

HON. JAMES R. DOOLITTLE,

OF WISCONSIN,

IN THE SENATE OF THE UNITED STATES, MARCH 4 AND 8, 1858.

The Senate having under consideration the bill for the admission of Kansas into the Union as a State-

Mr. DOOLITTLE said:

Mr. Parsedent: Before entering upon the discussion of the merits of this important controversy. I feel called upon to notice, in brief terms, some considerations threwn into this debate which partake less of argument addressed to our judgments and consciences than of appeals calculated to alarm the apprehensions of patriots devoted to the Constitution and the Union.

It has been more than intimated by the honorable Senator from Delaware, [Mr. BAYARD,] and again by the honorable Senator from Virginia, (Mr. Mason,) that unless Kansas be admitted at once as a slave State under the Lecompton constitution, the Union of these States is to be broken up, and the Constitution overthrown; and the whole speech of the honorable Senator from South Carolina [Mr. HAMMOND] seemed to be based on the same idea. Sir, if I could be brought to believe that any such national calamity would follow, or that there were any well-grounded apprehensions that it might follow, I am free to confess these appeals would be entitled to great consideration. cannot, like the honorable Senator who has just preceded me, coldly calculate the value of this Union, and compare the strength, power, and resources of the southern and northern confederacies into which he is prepared to divide it, and determine which shall hold the mastery. That is not the school in which I have been reared. Love for the Union, earnest, intense, undying love for the Union of these States, was instilled into my bosom in my earliest childbood. Next to the God of heaven, I was taught to love, honor, and defend it under all circumstances and against all enemies, from without and from within. That sentiment has grown with my growth, and strength-ened with my strength; and now, in the full vigor of manhood, it is my deep and sacred conviction to-day, that, as a nation, we are indebted to that Union for all we have been, for all we are, and for all we may hope to be. By that Union this nation, in its past history and its present position, and, if true to itself, in its future destiny, is to be the highest, the greatest, and most divinely favored the sun ever shone upon. In that Union, under God, as a nation in all that constitutes national greatness and makes us a Power among the nations upon the earth, we live and move and have our being. The great orator of New England, on this floor, more than a quarter of a century ago, gave utterance to this sentiment, so dear and so sacred to every American heart, in words too forcible ever to be forgotten: "Liberty and union, now and forever, one and inseparable." Cherishing as I do this sentiment, in common, as I believe, with the great mass of the American people, I am free to confess, sir, that I can never hear the dissolution of that Union suggested from any respectable quarter as an event that may happen, without pro-found emotion; and I have deemed it my first duty to consider well whether there are any reasonable grounds to apprehend such a result before I enter upon a discussion of the merits of the controversy now going on. I have duly considered that question, as I believe, in all its bearings, and have arrived at the conclusion that there is no just foundation for any such apprehensions; and will briefly state my reasons.

First of all, Mr. President, the union of these States is the most sacredly cherished object of the patriotic devotion of all the people of the several States, with very few exceptions. North, South, East, and West. There are a few individuals, both North and South, to be found, who would, if they could, break it up; but, I doubt not, that crises from some peculiar constitution of their minds; while, with the great mass of the people of the United States, the men of soher judgment and good common sense, they are regarded as impracticable men, with morbid or diseased imaginations, who are entitled to very little weight. There have been times when, from newspaper reports thrown out in the heat of political excitement, some of the prominent men of

Mississippi and South Carolina have been said to favor a dissolution of the Union; but the warm and devoted attachment declared by both the Senators from Mississippi—the one, [Mr. Bawws.] in his recent speech on Kansas affairs; the other, [Mr. Davrs.] in his reply to the question of the honorable Senator from Maine, [Mr. Fassensen.]—satisfies me that loyalty to the Union is still the sentiment of the people of that State. From the same source, (newspaper reports,) the position of the members of Congress from South Carolina upon this subject has been questioned. I am informed that a certain newspaper published in South Carolina, called the Charleston Mercury, in 1856, in reply to an article in the New York Herald, declared that—

"Upon the policy of dissolving the Union, of separating the South from her northern enemies, and establishing a southern confederacy, parties, presses, polliticians, and people, are a unit. There is not a single public man in her limits, not one of her present Representatives or Senators in Congress, who is not pledged to the lips in favor of dis-

Notwithstanding this, I have been led to believe that it is but the heated declaration of a newspaper editor, thrown out in the midst of a political canvass, and similar to some threats against the Union we saw in the Richmond Enquirer during the presidential canvass; which, we were afterwards informed, were made as the only means of saving the Union! Notwithstanding what has just fallen from the Senator from South Carolina, with all due respect I must still be permitted to say, that, in my opinion, ninety-nine in a hundred of all the people of the United States are, in their very heart of hearts, loval to the Union; and that it is not in the power of Congress, in this or the other branch, or both together, to dissolve this Union, if they were to undertake it. Members of Congress are sent here to support the Constitution and the Union. They are sworn to support them; and any attempt to overturn either would not only bring the crime of treason and perjury upon themselves, but it would prove wholly futile.

The resolutions of State Legislatures, passed under the political excitement of the hour, we have all seen before. Vermont it was whose Legislature resolved that, in case Texas was annexed, the Union was dissolved ipso facto. I believe some one or more of the extreme southern States passed similar resolutions in case California was admitted as a free State. But the Union still stands; and, in my humble opinion, with all due deference and respect to the resolutions of the Legislature of Alabama, it will still stand, though Kansas should be admitted under either the Topeka or Lecompton constitution, or admitted under neither; and it will stand forever. Sir, the people of these United States, upon their sober second thought, will not only not dissolve this Union themselves, but they will not suffer it to be dissolved. Any man, or set of men, or any party, who may undertake it, will, in my opinion, in the end be utterly overwhelmed and buried beyond the hope of political resurrection.

Mr. CLAY. Will the Senator allow me to interrupt him at this point? The remark which he

Mr. CLAY. Will the Senator allow me to interrupt him at this point? The remark which he has just made has frequently fallen from the other side of the Chamber; and as it is somewhat ambiguous and oracular, I should like to have a clear explanation of it. I wish to know whether the Senator means that the power of this Government.

ernment would be exerted to coerce a State into

Mr. DOCLITTLE. The ground which I take is, that the great mass of the people in all the States are pledged to maintain the Union, and they will maintain it; and it is not in the power of any best of politicians on the States to dissolve the Union, if they were to undertake to do so. The people will not only not dissolve it, but they will not suffer it to be dissolved. When the question comes to be discassed and understood and brought home to the hearts and the hearthstones of the people, there is, in my opinion, no State where the party that shall undertake to accomplish disunion will not be utterly annibilated and overwhelmed beyond the hope of political resurrection.

political resurrection.

Mr. CLAY. The Senator does not seem to comprehend my question. I have heard it said on this floor—I need not allude to what has been said in the papers—that the North would not permit any State to seeded from the Union. What I wished to understand from the Senator was, whether he meant to say that the physical power, the military and naval force of the Government, should be exerted to coerce any State back into the Union after she had chosen to separate herself?

Mr. DOOLITTLE. When cases arise, it will be time enough to meet them. I do not say what possibly might arise. I am only speaking of what I believe cannot arise. I say that, in my opinion, no State in this Union will secede, or attempt to secede, and no set of men in any State can persuade the people to undertake to secede - not even in South Carolina-whether Kansas be admitted as a State under the Lecompton or the Topeka constitution, or not admitted under any constitution at all, for five years to come. I do not believe that I underestimate the power of politicians, or overestimate the good sense and intelligence of the American people, when I say that I do not believe it to be in the power of all the politicians in Washington to break up the union of these States, if they were to under-take it. Whenever the hour of trial shall come, the deep, the devoted, the intense, the undying love of the great mass of the American people for the union of these States will prove itself to be stronger and more abiding than the power of any political organization. I know that in ordinary times, and upon questions of ordinary interest, public opinion may be swayed, molded, and, to a certain extent, controlled, by men in office, by party machinery, and political organizations; and then public opinion would seem to be the mere voice of the politicians; but there are other times and other questions-great emergencies-times that try the souls of men, when the deep fountains of the human heart are broken up; and then it is as true to-day as it was in the days of the Revolution, "the voice of the people is the voice of God." At times, it is true public opinion is a gently flowing stream, to some extent easily diverted in its course, upon whose smooth, tranquil surface, politicians and office-seekers may float upon their platforms into place and power. But there are other times when the heavens are darkened and the storm is gathered, when the rains have descended and the floods have come, that it rolls along, fit emblem of Almighty wrath and power; resistance

but maddening its fury and increasing its strength; when mere politicians and platforms and party organizations are all swept away, to become mere floodwood upon the surface of the rushing current. Sir, there can be no mistaking the fact that a great emergency is now upon us. We are in the midst of a revolution not altogether bloodless, in which, for the first time in the history of the American Government, the Administration at Washington, by an armed intervention, is endeavoring to force a State into the Union against the will of its people. The President may ignore the true condition of affairs; he may honestly suppose that there is a great delusion in the public mind, instead of his own; but he will learn, and the politicians will learn, that the people of these United States are about to take this matter into their own hands. From Maine to Kansas, we hear their voice demanding in thunder tones that this Lecompton constitution shall not be forced upon that people against their will. And, sir, if you will listen to the voice of the great majority of the people, even from the southern States, you will soon hear coming up, from their very heart of hearts, now in whispers, now in plain, out-spoken words, curses, not loud, but deep, and none the less bitter, against this whole Kansas policy, from the beginning to the

But to return to the point from which I have digressed. Pray, sir, what political party desires the dissolution of this Union? Is it the American party? Its whole existence is staked upon its Americanism and its nationality. Is it the party which claims, par excellence, to be the National Democratic party?-strange as the misnomer may seem to me, applied to a party to which, at this day, neither Jefferson, Madison, Monroe, nor Jackson, could consistently belong. However it may have lost sight of the principles of that party in its earlier days, it still claims to be national in its character, the champion of the Union, of law and order. All its professions, and, I am bound to believe—for I yield to others the same patriotism and sincerity of purpose which I claim for myself -all its convictions and aspirations are to sustain law and order, and to maintain the perpetuity of the Constitution and the Union. Is it, then, the Republican party which is in favor of a dissolution of the Union? Sir, I know it has been sometimes charged that the Republican party is scctional in its purposes and disloyal to the Union; that it aims to trample down the constitutional rights of the States, and thus, indirectly, undermine the foundations of the Union. This charge is utterly groundless. That party commenced its organization at Pittsburg on the 22d of February, 1856; and in its address and resolutions there was not a doctrine, not a syllable, which conflicts in any degree with the doctrines of the old Republican party of 1798; and in the State which I have the honor in part to represent, in the resolutions passed almost unanimously by the Republican members of the Legislature of Wisconsin upon my nomination to a place in this body, they expressly adopted and incorporated, as a part of their very platform, the resolutions passed by the Kentucky and Virginia Legislatures in 1798-99 in relation to the reserved rights, sovereignty, and inde-pendence of the several States. While, upon the one hand, there will be found no State more loyal to the Union and the Constitution than Wisconsin, upon the other hand there will be found no State ready to maintain in full vigor, with greater energy or more devotion, the reserved rights, sovereignty, and independence, of each and every member of the Confederacy. In answer to this oft-repeated charge as to the disloyalty of the Republican party to the Constitution and the Union, I beg leave to read a brief extract from the address which was put forth at its organization in Pittsburg in February, 1856:

"We declare, in the first place, our fixed and unaltered devotion to the Constitution of the United States—to the ends for which it was established, and to the means which

"We declare our purpose to obey, in all things, the re-quirements of the Constitution, and of all laws enacted in pursuance thereof. We cherish a profound reverence for the wise and patriotic men by whom it was framed, and a lively sense of the blessings it has conferred upon our country and upon mankind throughout the world. In every crisis of difficulty and of danger we shall invoke its spirit,

crisis of difficulty and of danger we shall invoke in spining and proclaim the supremacy of its authority.

"In the next place, we declare our ardent and unshaken attachment to this Union of American States which the Constitution created and has thus far preserved. We revere it as the purchase of the blood of our forefathers, as the condition of our national renown, and as the guardian and guarantee of that liberty which the Constitution was designed to secure. We will defend and protect it against all its enemies. We will recognize no geographical divisions, no local interests, no narrow or sectional prejudices, in our enaggression and domestic strife. What we claim for our-selves, we claim for all. The rights, privileges, and liberties, which we demand as our inheritance, we concede as their inheritance to all the citizens of this Republic."

The Republican party was hardly organized when the campaign of 1856 came on. Its organization is still going on, preparatory to taking possession of this Government in 1860. Its purposes are not to trample upon the rights of the South; not to strike down any of the institutions of the South; but simply to restore the administration of the Federal Government to the policy of the early republican fathers. It asks for nothing more; it will be satisfied with nothing less. The cardinal point upon which this party is gathered, the flag which it bears at the head of its column, is the Constitution, the Union, the rights of the States, and the rights of the Federal Government. With very few exceptions, every resolution, every wellconsidered speech of every prominent member of the party, from its organization at Pittsburg on the 22d of February, 1856, to this hour, breathes the spirit of ardent loyalty to the Union; and if ever a political party can be "pledged to the lips" in favor of maintaining the Constitution and the Union at all hazards, against all enemies from abroad, and against all traitors at home, it is the Republican party. I know that in the campaign of 1856 this charge was made against the Republican party, with tremendous effect, in Ohio, Indiana, Illinois, and Pennsylvania, and also throughout all the southern States, where scarcely any newspaper could be found to give utterance to its doctrines, where its speeches and addresses were prevented from circulation, and where the great mass of the people could neither understand nor appreciate its purposes and motives. I know that during that canvass it was sometimes threatened, even in the northern States, that in case Colonel Fremont should be elected President of the United States by the legal votes and suffrages of the American people, he should never be inaugurated; that Colonel Fremont, though legally elected, though he stood pledged before the American people to maintain the Constitution, the Union, and the rights of the several States, should never be permitted to take the oath of office in Washington city; but that the Union would be dissolved. I never heard but one reply from the Republicans: "If Mr. Buchananis elected, we will stand by the Union; if Mr. Fillmore is elected, we will stand by the Union; and if Colonel Fremont is elected, we will stand by the Union; ay, we will fight for the Union to the very death; and if any man, high or low, attempts to overthrow it, we will indict him for treason, try him for treason, and, if the jury do not acquit him upon the ground of insanity, and the President do not interfere to pardon him, we will hang him as sure as there is a God in heaven."

If that be disloyalty to the Union, then, sir, the Republican party plead guilty to the charge; but not otherwise. This oft-repeated charge against the Republican party is utterly groundless. They are pledged, not only not to dissolve the Union themselves, but not to suffer it to be dissolved; to use every power which God has given them to prevent its dissolution! The Union of these States was formed in that struggle which gave American liberty its birth; the same struggle which brought to man upon earth the glad tidings of political redemption. It cost the treasure, the agony, and the blood of our ancestors to achieve it. I trust the time will never come, which seems to be anticipated by the honorable Senator from Alabama, [Mr. CLAY,] when it will cost the treasure, the agony, and the blood, of their sons to maintain it. But, sir, let me tell that honorable Senator, that the same spirit which shaped the destiny and guided the deliberations of our forefathers in the formation of the Union, still lives-not in one section alone, but in every section and in every State; and that same spirit will be ever ready to cement again, if it be necessary, in the blood of the sons, the eternal Union made by the fathers. There is a spirit in the American people which, on board the ship of State, as it may occasionally seem to ride over the breakers, needs but to be awakened from apparent slumber to arise, and say with a Savior's voice to the storm and the raging sea, "Peace, be still!" and that voice will be obeyed.

It will never be forgotten by the American people, that the bonds of the Union were sealed with the blood of a common ancestry, with com-mon sacrifices, heroism, and suffering. Whatever politicians may say in hours of excitement, when the day of trial comes the American people will be ready to imitate and to emulate the example of their forefathers. They gathered around Washington from the North and from the South. Like a band of brothers, ready to endure every sacrifice and every hardship, together often they shared their scanty meal, and on the cold winter night together shared their thin and tattered covering; shoulder to shoulder, indeed, they stood in the day of conflict, freely baring their bosoms in each other's defense; together, often their very life-blood gushed and mingled; and side by side their ashes still rest upon that soil which their united valor defended. The Union is still consecrated by holding those ashes-those sacred ashes. To any man who proposes to dissolve the Union, I desire to put this question; where will you draw the line of separation—upon which side of Mount Vernon shall it fall?

Sir, I know not how others may feel; I know not how our brethren of the southern States may feel; but this one thing I know: there is no power on earth can hold the tomb of Washington upon a soil and within a jurisdiction foreign to the twenty millions of people who inhabit the porthern and western States of this Confederacy; and I believe the same may be said of the great mass of the people of the middle States, if it be not true to the same extent of the extreme southern States. And as for Wisconsin she was born of Virginiaborn in the days of her revolutionary heroes and statesmen; in the days of her youthful vigor; in the days, too, of her true republican principles. Like Ohio, Indiana, Illinois, and Michigan, Wisconsin, though the youngest of the sisters, takes equal pride in tracing her parentage to the Old Dominion, the mother of States and of statesmen. She takes pride in the great names of Virginia; she claims them as part of her inheritance. the day shall ever come-which may God in his mercy avert !- when treason shall raise its head against the Constitution and the Union, and undertake to sever Virginia from her offspring, be assured, sir, that the teeming millions who inhabit those northwestern States, as well as all the northern and eastern States, and the untold millions of their descendants, will continue to bear the same flag which Washington bore, and they will belong to the land that holds his ashes, though the peaceful Potomac, which flows by his tomb, shall run red with the blood of traitors. They will never surrender their birthright, and it shall never be taken from them. This Constitution is their Constitution; this country is their country; the flag of the Union is their flag; and they will never desert it, never surrender it. "What we claim for ourselves, we claim for all. The rights, privileges, and liberties, which we demand as our inheritance, we concede as their inheritance, to all the citizens of this Republic."

The union of these States is cemented by another bond no less strong-the bond of a common interest in the great valley of the Mississippi. I agree with the honorable Senator who preceded me, that the valley of the Mississippi will bind the Union together in bonds which can never be broken. Situated as Wisconsin is, with her whole eastern boundary upon the great lakes, whose waters flow into the Atlantic, she has a common interest and sympathy with all the northern and eastern and Atlantic States. Bounded upon the west by the Mississippi, with her navigable waters flowing into it, by nature, by geographical position she has a common interest with all those States whose waters flow into the Gulf of Mexico from the great valley of the Mississippi, to main-tain forever the free and uninterrupted commerce of the Mississippi and the Gulf, which the Consti-tution of the United States secures.

The proposition by Spain to cede to England or France the Island of Cuba would arouse the opposition of the whole American people almost as one man; and why, sir? Simply because, in the hands of a strong naval Power, from its geographical position and harbors it would command the commerce of the valley of the Mississippi; in short, because Havana is the Sebastopol of the Gulf. Do you suppose, sir, that the people of the Mississippi valley, to say nothing of the great commercial States, who furnished the money to purchase

Louisiana, will ever consent that the mouths of the Mississippi shall be held in a foreign jurisdiction? No man doubts the chivalry or bravery of Louisiana, or of any portion of the people of the southern States; but there is an irresistible logic in overwhelming numbers, and numbers, too, constantly augmenting in almost geometrical progression under the operation of the laws of emigration and population with as unerring certainty as the revolutions of the earth. To suppose that even now, and more especially that when, within the next thirty years, there shall be a free white population of more than fifty millions with an identity of interest in the commerce of the Mississippi and the Gulf of Mexico, they will suffer the outlet of that commerce to be held by a foreign State, on account of negroes held in slavery by a few hundred thousand citizens of some of the States of this Union, would be as idle as to undertake to dam the waters of the Mississippi itself, to chain the lightning, or, like Xerxes, the Hellespont. It is one of those things which cannot be done, sir; no line of separation can be made to divide the valley of the Mississippi. You cannot cut that river in two. As all that vast, and as yet but comparatively undeveloped region, drained by that river, embracing all your territories between the Alleghanies and the Rocky Mountains, shall become filled up with untold millions of the most hardy, brave, intelligent, and enterprising people, they will bind this Union together in bonds of common interest, language, and sympathy, which no power on earth can sever. Like its eternal, ever-flowing waters, the commerce of the Mississippi shall flow ever and onward uninterrupted to the Gulf. Divide the valley of the Mississippi? No, sir; never, till those waters cease to flow, and those fertile valleys cease to yield the necessaries for human life. This Union rests upon a foundation more enduring than any mere human enactments. It rests upon the laws and the necessities of our population and geographical position; upon the laws which govern the growth of ages in the history of mankind. The same Almighty Being who watched over its infant colonization, its revolutionary struggle for the independence of the soil, its second struggle for the freedom of the seas, its struggle for the independence of its Treasury from the domination and control of associated wealth, still watches over every step of its growth and progress; and, in spite of parties and platforms, presses and politicians, is carrying it onward, and right onward to the high destiny to which He has called it.

Another set of stockholders, in another kind of institution than a national bank, but compared with which all the power of a national bank was a mere pigmy, undertake to seize hold of this Government, and commence offensive, aggressive operations against the people of the North and their free institutions; but the same Providence

will watch over us in our struggles with this power. Statesmen may see and appreciate the causes that are in operation around us. They may see and feel the mighty current of emigration, the power of population which is bringing upon this continent the bravest, the best, and the most enterprising of the whole human family, by mil-lions upon millions. It would be wise for statesmen to see and appreciate these causes, which they can no more control than they can control

the currents of air or of ocean. This vast continent was reserved in the providence of God for the very purpose of giving full scope for the development of man under the influence of modern and Christian civilization. Our system of government is but the outgrowth of that civilization. It is adapted to it and based upon it. It has no precedent; it has no compeer. All that has preceded it has but prepared the way for its coming; and its whole grand object, end, and aim, is to work out for man upon earth a better, higher, and more divine life. prophets foresaw it; the good men of all ages have longed and prayed for its approach; and, in my opinion, Heaven, with all its omnipotence, stands pledged for its success. This Union, this Constitution, this form of government, this wonderful development, this position among the Powers of the earth, is not a thing of accident or of chance. No, sir, "there's a divinity that shapes our ends."

My confidence in the perpetuity of the Union rises in its character to be a strong and abiding faith-a faith based upon the devoted patriotism of the great mass of the American people; upon identity of language, sympathy, and interest; upon a common history, common recollections, common hopes, and a common destiny. It rests. moreover, in a great measure, upon the promises revealed in that volume which all Christians accept as Divine. It is a faith with me which never wavers; which no idle threats can disturb for a a moment; which every reason addressed to the understanding confirms; which every sentiment of patriotism approves; and which, under the sanction of a deep religious conviction, leans upon the Almighty for its strength.

Mr. Doolittle, without concluding, gave way for a motion to go into executive session.

MONDAY, March 8, 1858.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 161) for the admission of the State of Kansas into the

Mr. DOOLITTLE. Mr. President, the announcement just made by the honorable Senator from Missouri, who is in charge of this bill, that the majority of this body have determined upon Monday, one week from to-day, as the day on which the final vote is to be taken, I confess, em-barrasses me. I look around me, upon this floor, and see many more able than myself to do justice to the question now before the Senate; many, almost all of them, more experienced than myself; and this unexpected announcement, as it comes home to my heart, raises within me a struggle which I had hoped not to have experienced. It is a struggle whether, in consequence of it, I must restrict the utterance of much I would desire to say, or be compelled to trespass upon the time of others, who could do more justice to the ques-tion than is within my power. Mr. President, it is a subject which weighs me down; it is a subject upon which I feel most deeply; a subject upon which I can hardly find language to give utterance to all the emotions that rise within me; and yet, in duty to myself, in duty to the State which I have the honor in part to represent, in duty to the great mass of the free white laboring men of the North, I feel called upon to speak, to open my heart, on this floor, and on this question, and

not to refrain from the utterance of my sentiments

as they may arise.

Mr. President, before coming to the discussion of the direct question pending, I must be permitted to notice, in brief terms, some of the extraordinary doctrines announced by the honorable Senator from South Carolina, [Mr. HAMMOND,] who preceded me in the debate. Conscious of the strength of our own positions; conscious of the devoted patriotism which we bear towards the Constitution and the Union ourselves, we shall be drawn into no recriminations against the people or the institutions of South Carolina; although the honorable Senator was pleased, in the course of his remarks, to say, in speaking to the repre-sentatives and people of the northern States: "We cannot rely upon your faith when you have the power; it has always been broken whenever pledged." Does the honorable Senator from South Carolina, in serious earnest, intend to charge upon the great body of the people of the northern States all that this language implies? If he does, it is impossible for me to remain silent without giving him a passing answer. I ask the honorable gentleman when, and where, and on what occasion, have the people of the North broken their plighted faith, when given to the people of the South, or any other portion of the people of this Confederacy? Was it in the passage of the ordinance of 1787? Who passed that ordinance? It was passed by the unanimous vote of Congress. Every vote from South Carolina was in its favor; every vote from every State within the Confederacy was in its favor, with the exception of a single vote, and that was cast by a gentleman from New York. Who, let me ask you, has ever sought to violate the plighted faith given by the ordinance of 1787? Has it been the people of the North or the representatives of the North?

Again, sir, who was it that passed the Missouri compromise? It was passed by the votes of the representatives of the southern States, against the votes of a majority of the representatives of the northern States. Who sought to break down the plighted taith which was given by the Missouri compromise? Was it the people of the North or the representatives of the North? Was it not the representatives of the southern States, with very few exceptions? But few of the representatives from the States of the North could be found who were ready to break down that, as one of the compromises of this Confederacy.

But again, how inconsistent is the charge made by the honorable Senator from South Carolina, when he claims, in the same breath, that for sixty years the slaveholders of the South have controlled the policy of the Government of the United States. Holding the Government in their power, controlling its administration, what right have they to complain of violated pledges and violated faith? They have made the pledges and they have kept them or broken them at their pleasure, having the power of the Government in their hands.

Mr. President, this wholesale and sweeping denunciation upon the good faith of the people residing in the northern States, and their representatives in Congress, is a denunciation which calls upon me, for one, to repel it. The truth of history, in my humble judgment, not only does not sustain the charge, but it furnishes not the slightest foundation upon which it can rest.

But the Senator from South Carolina makes some more specific charges, he asks some more direct questions, and says, when we, the representatives of the North shall take possession of the administration of the Government what guarantee have the South that " you will not plunder us with tariffs?" This, too, comes from South Carolina, which for years has studied in the school of its great master, a man of great intellect, of great purity of personal character, John C. Calhoun, the representative man of South Carolina, and the very man who was foremost among the advocates of the tariff policy, of which the gen-tleman now complains. I hold in my hand a vol-ume which records the fact that Mr. Calhoun not only made an earnest and eloquent speech but gave his vote to establish, for the first time in the history of this Government, a tariff whose avowed object was the protection of the manufactures of this country. I quote an extract from the speech of Mr. Calhoun on the occasion of the passage of the tariff bill of 1816:

"When our manufactures are grown to a certain perfection, as they soon will, under the fostering care of Govern-ment, we will no longer experience these evils."—Benton's Abridgment of Debates, vol. 5, p. 641.

In April, 1816, it came to a final vote, and among others, Mr. Calhoun is found voting in the affirmative:

"And thus," says Mr. Benton, " was inaugurated a new policy with respect to the imposition of duties on imports."

* * * * Protection became the object, and revenue the incident, and to such a degree as often to disregard revenue altogether, and a surplus of nine millions was actually created."

I do not stand here as the advocate of a high tariff; I do not stand here as the advocate of any protective tariff, except so far as a tariff for revetrue may give incidental protection to the manufacturing interests of the country; but, sir, does it not come with an ill grace from the State of South Carolina to ask us, when we take possession of the Government, whether we will not plunder them with tariffs, when the great repre-sentative man of South Carolina, Mr. Calhoun, himself, was the early author and advocate of the

very tariff policy of which the Senator complains? Again, the Senator asks the question, what guarantee have the South that we will not create another national bank? This, too, comes from South Carolina! Sir, it was John C. Calhoun who, in 1814, introduced the resolutions of inquiry in relation to the establishment of a national bank, and it was John C. Calhoun, in 1816, who, with others, brought forward and passed the very United States bank bill of which the gentleman complains. I am no advocate of a national bank. have opposed that institution and its creation in every form within my power for twenty years of my manhood. I oppose it now. The question of a United States bank is no more a question of discussion before the American people, than the question of the revolutionary war, or the question of the last war with Great Britain. The battle has been fought, the victory won, the policy of the Government forever settled on that question, and the Republican party is no more in favor of the establishment of a national bank than the honorable Senator himself. But with what grace does it come from the Senator from South Carolina to raise the question whether, when we take possession of the Government, we may not establish a

national bank, when it was the leader from South Carolina who introduced the very bank bill which

cost us such a struggle to put down?
What guarantee have they, he asked again,
that "we will not bankrupt" them "with internal
improvements?" Sir, Mr. Calhoun, in the same
speech from which I have already quoted, in 1816,
advocated this very doctrine of internal improvement. In language, forcible, and in no way to be

mistaken, he said:

"To give perfection to this state of things, it will be necessary to add, as soon as possible, a system of internal improvements."

I stand here as no advocate of a general system of internal improvements by the Government of the United States. I stand here as the advocate of the doctrine laid down by General Jackson in his veto of the Maysville road bill; but, at the same time, I am ready, so far as I am able, to oppose the pretense that the whole expenditures of public money in relation to the protection and regulation of our commerce must be upon the seashore; where the water is salt, and the tide ebbs and flows; and at the same time no money is to be expended upon the great lakes, over which more commerce floats than the whole value of the cotton crop of which the honorable gentleman spoke in such eloquent terms. Against any such distinction, I, for one, am prepared to give my vote, my voice, and my influence.

The lionorable Senator, in coolly looking upon the division of this Union into two great confederacies, North and South, and in comparing and in calculating their strength, their greatness, and their resources, dwelt at very great length upon the value of the cotton crop produced in the slaveholding States. I do not stand here to disparage any one of the southern States. I know their greatness, and I take pride in it. I claim the southern States as a part of this glorious Confederacy to which I myself belong. I acknowledge the greatness of the cotton crop produced there as an article of export. I acknowledge the great influence which it exercises throughout the manufacturing and commercial world; but while I acknowledge all that, the gentleman will not regard it unkind in me if I remind him of the fact that the cotton crop, with all its boasted value, is not worth as much as the hay which the farmers of the United States put into their barns.

Again, the honorable Senator said, in comparing the southern with the northern States, that we have our slaves, and that our slaves are white. I will quote his precise language:

44 Your whole, class of manual laborers and operatives, as you can thus, me always? " " "Your also you can thus, me always?" " " "Your also you want to the second white, of your own race; you are brothers of one book. They are your equals in natural endowment of intellect, and they feel galled by their degradation. Our slaves do not you. We give them no political power. Yours do you, and being the majority, they are the depositaries of all your political power. If they knew the tremendous secret, that the ballon-box is stronger than an army with bayonets, and could combine, where would you be?"

I do not deny that in the large cities of the North, or in the large cities of the South, or where ever large cities are found on the face of the whole earth, where riches in abundance, and poverty in its degradation, are brought together face to face, and concentrated, where all that attends upon vice, poverty, and crime, is developed to the greatest extent, the children of misfortune, vice, poverty.

beggary, and crime, may be found. They may be found in the streets of the city of New York. Are they not also in the streets of Balimore, in the streets of Charleston, in the streets of New York Orleans? The reason there are more in the city of New York than in any other of the cities of the Union, is because it is the great commercial center of this continent, open to the commerce of the world, receiving the indux of population from every portion of the globe.

If the honorable Senator had confined his remark to those specimens of misfortune which are to be found in the large cities of the North, I should have given it no notice whatever; but he says a majority of our people, a majority of the voters in the northern States, are slaves. This remark compels me to notice it. I could not do otherwise if I would. In behalf of the great State which I now in part represent upon this floor, four fifths of whose population earn their daily bread by their own labor, all of whose population regard labor as dignified and honorable, and not as a degradation, I repel the imputation. I should be false to them if I did not repel it now and here. I should be false to myself, false to my own education, and false to my own parentage, if I failed to do so. Sir, the very blood that courses in these veins rises up to repel any such charge. Am I to be told on the floor of the Senate that, because my own father was a poor laboring man when he commenced the great battle of life, I am to be regarded as the son of a slave? There are others around me who will feel as deeply as I feel, the full import of this declaration, and who cannot suffer it to pass unnoticed.

As one of the representatives of the free white men of the non-slaveholding States, I tell the honorable Senator they are not slaves now, nor will they be made slaves. They understand full well their power and their position and their future desiny upon this continent. They know no masters, they acknowledge no dictators. They kneel to none but God, and not even then unless in their

Mr. President, when I addressed the Senate on Thursday last, I said all that I desired to say in relation to the often-repeated intimation which we hear upon this floor and elsewhere, that unless Kansas be admitted at once under the Lecompton constitution, the Union is to be dissolved. Sir, this is but an appeal to our weakness, to our apprehensions; it is not an appeal to our judgment and our understanding. I propose, as briefly as I may, to go into an examination of the merits of the question now pending before the Senate. In the first place, and admitting for the present the legality and authority of the Legislature of the Territory of Kansas which was elected, or claims to have been elected, in the spring of 1855, standing for the present upon the ground assumed by the friends of this measure, the question which I now propose to examine as a legal question is this; whether the Lecompton constitution is of binding authority on the people of Kansas? Has it the force of a law upon that people, binding upon them, and binding also upon the States, and the people of the United States?

This involves some other questions. The first among these is, whether the people of a Territory can, of their own voluntary motion, without any enabling act by Congress, without any act by the Territorial Legislature, independent of all existing legal authorities, form and establish a system of government to overturn an existing one, and make it legitimate, authoritative, and binding upon the people? As an American citizen, maintaining the doctrines of the American Revolution, I admit that, as an abstract right, any people possesses the right to change the form of their government and make it conform to their own will; but that is a revolutionary, not a legal right. It is a right which rests not upon the law, but a right which is above and before and beyond the law itself. It rests upon the higher law of the absolute sovereignty of the people, if there is any absolute sovereignty in human affairs. But it is a right to be exercised only as a revolutionary right. When the evils of an existing government become intolerable, and there is no peaceable mode of redress, or when there is a people existing without any government at all, they may exercise, and properly exercise, this abstract revolutionary right to commence and take incipient steps from the beginning to form and to establish the government under which they are to live. There is another qualification to the exercise of this right; and that is, that there should be a moral certainty of success. Whoever undertakes to revolutionize a government, to disturb the existing state of things, to supersede the established government and make it give place to another, must carry the revolution through; he must carry it to victory, to success, or he must pay the penalty for producing a rebellion.

If it be conceded that in the Territory of Kansas any such state of things has existed as to justify the exercise of this revolutionary right by the people themselves, independent of any enabling act by Congress, or any act of the Territorial Legislature—what follows? It follows that the Topeka constitution, established by the people of Kansas, by their own voluntary action, twice submitted to that people, twice ratified by that people by overwhelming majorities, is the true revolutionary constitution for that State, and not the Lecompton constitution. If, therefore, you are to throw yourselves back upon the abstract right of revolution, you prove conclusively, not that Kansas should be admitted into the Union under the Lecompton constitution, but that it should be admitted into the Union under the To-

peka constitution.

But, sir, I shall not dwell any longer upon that point, for that is not the ground which is assumed by the advocates of the Lecompton constitution. They place themselves upon the ground that the Lecompton constitution is not a revolutionary constitution, but that it is a legally authorized constitution, of binding authority itself; that it has the force of a law binding upon the people of Kansas. Those who advocate it do not choose to inquire whether it has been ratified by the actual majority of the people of Kansas, nor whether it embodies their will. They do not inquire, is it fair? is it just? but, is it authoritative? is it "in the bond?" a legal question, therefore, the first point which I desire to examine is, upon what do you rest the legal authoritativeness with which you seek to clothe the Lecompton constitution? The President rests it upon the Kansas-Nebraska act, as an enabling act, and upon the act of the Territorial honorable Senator from South Carolina [Mr. Hammond] derives it from altogether a different source. He says "there is no government in the convention until after the adoption by Congress of its constitution." "How can it be possible that the convention should be the creature of a Territorial Legislature?" he asks; and again he says, speaking of the Territorial Legislature:

"Shall that interfere with a sovereignty—inchoate, but still a sovereignty." * "The sover-cignty of Kansas resides, if it resides anywhere, with the sovereign States of this Union."

He places the sovcreignty of the Territories in the States, and says the sovereign powers to be exercised over them while Territories, are to be exercised by Congress, and by Congress alone. The Senator from Tennessee [Mr. Johnson] traces the authority of this convention, and places its sovereignty not in Congress, not in the United States, not in the Territorial Legislature, but in the people of the Territory of Kansas, independent of the Territorial Legislature, and independent, also, of an enabling act by Congress; while, upon the other hand, the Senator from Georgia, [Mr. Toombs,] derives its authority from another source altogether. You will remember that in the course of his speech, on the 2d of February, I put this question to him, "From what source do you derive the legal authority of the convention to form a constitution at all? From the Legisla-ture of the Territory?" He answered:

" Entirely from the Legislature of the Territory. authority came from Congress we should be bound by any propositions we made. If it comes from the Territorial Legislature, we may accept or reject the propositions."

Now, Mr. President, when we come to examine this question as a legal question, does it not strike you that there is some strange conflict of opinion among the friends and advocates of this Lecompton constitution. One placing the source of its authority entirely in Congress as the representative of the sovereign States; another placing it in the people of the Territory independent of Congress, and independent of the Territorial Legislature; and a third deriving its authority entirely from the Legislature of the Territory. Where is this vagrant power? In examining a legal question, the mind desires to be brought right up to the point, to meet it squarely, face to face. Where is it to be found? Where shall we seek the fugitive? Now here, now there, now somewhere else. Now it hides itself in Congress; now in the Territorial Legislature; and then again it is found hiding itself among the people of Kansas, to be exercised by them independent of the Territorial Legislature, and independent of the act of

I have already said that if it resides in the people, to be exercised as an abstract revolutionary right, the Topeka constitution is the true constitution of Kansas; but I propose to examine a little more particularly the ground which has been assumed by the honorable Senator from Georgia, for that is the ground on which the President places himself, and upon which the advocates of this Lecompton constitution must stand, or not stand at all; and that is upon the authority derived from the Territorial Legislature of Kansas.

The Legislature of a Territory derives its powers from the organic act. The persons who may Legislature, passed in pursuance of it, as he be elected to the Legislature are chosen by the alleges, which gave it the authority of law. The people of the Territory under the provisions of that organic act, but every power which may be exercised must be found in the organic act, or it cannot be found at all. If it be not within the organic act, it is nowhere; and it therefore necessarily involves the question, whether in the organic act under which the Territory of Kansas was canized, any such power was given by the Congress of the United States? If it be not in the organic act, the action of those gentlemen who happened to sit in the Legislature that called the convention is of no more binding authority than the action of the same number of gentlemen sitting at Topeka or anywher else in the Territory of Kansas. That which goes beyond the authority given is of no force. It is void; and void things are as no things; and that is the language of all the books in speaking upon this subject of

The same doctrine was expressly affirmed in the case of Arkansas, by the administration of General Jackson. The opinion of the Attorney General was taken; it became a subject-matter, undoubtedly, of consultation by the Cabinet; and it received the sanction of that illustrious man. The same thing is true in the case of Michigan; and the present Chief Magistrate of the United States, Mr. Buchanan himself, declared on this floor, when Michigan applied for admission, that, if a Territorial Legislature, without an enabling cat first passed by Congress, should attempt to call a convention and form a State constitution to supersede the territorial government, it was a downright usurpation—I use his very words—it would be "an act of usurpation on their part."

Does the Kansas-Nebraska act itself confer any authority upon the Territorial Legislature to call a convention to form a constitution and State government? In what language of that act do you find it? Is it in that language which confers all rightful powers of legislation upon the Territorial Legislature? That is just such language as is found in all the organic acts, commencing with the organic acts, commencing with the organic acts, commencing with the again cat for the Territory of Missouri the same language is used. Is it to be found in those often repeated words.

" It being the true injent and meaning of this act not to legislate slavery into any State or Territory, not exclude it therefron, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States?"

Do these words contain it? I shall not go over this ground at length. The argument contained in the speech of the honorable Senator from Vermont, [Mr. COLLAMER,] and the argument contained in the report of the honorable Senator from Ullinois, [Mr. Douglas,] are perfectly conclusive upon this point, that the Kansas-Nebraska act of itself did not contain a provision authorizing the Legislature of the Territory to call a convention; and the fact that the men who sat in that Legislature called it, gives it no more force than if an equal number of elergymen sitting at Lecompton had done the same thing.

To show that no such authority was intended to be given by the organic act, I will briefly state three reasons which have occurred to my mind, and which are equally binding on all sides of this Chamber: First, the Kansas organic act contains no express grant of power to the Legislature to call a convention; second, no such power can be implied from the circumstances under which the

act was passed, or from the history or condition of the Territory at the time itwas passed, for there were not, I believe, over five hundred white inhal itants in the whole of the Territories of Nebraska and Kansas at the time of the passage of that bill; and, third, if you claim that this language contains an enabling clause, it is utterly void for uncer-It mentions no time, prescribes no mode, in which the initiative, the incipient step may be taken towards the formation of a constitution. portion of the people of that Territory, represented by delegates, assembled at Lecompton, have undertaken to form and regulate their domestic institutions in their own way; and a certain other portion, and a still larger portion-a majority of three, yes, five to one—of the people of the Ter-ritory, represented by their delegates at Topeka, have undertaken to form and regulate their domestic institutions in their own way. Now, which is the legal way? Which is the way pointed out by the statute? There is no legal way pointed out. You cannot see what is not to be seen. There is no such thing contained in it.

I have one other additional reason which I wish to urge upon those who advocate the passage of the bill admitting Kansas with the Lecompton constitution. In these days, when estoppels are being pleaded upon political questions; when it is insisted that, by some technical rule of the law, the people of Kansas are to be estopped by this Lecompton constitution; I desire to plead an estoppel in behalf of that people upon some honorable Senators upon this floor. On the 2d of July, 1856, upon their official oaths as Senators in this body, Messrs. Allen, Bayard, Bell of Tennessee, Benjamin, Biggs, Bigler, Bright, Brown, Clay, Crittenden, Douglas, Evans, Fitzpatrick, Hunter, Iverson, Johnson, Jones of Iowa, Mallory, Pratt, Pugh, Reid, Sebastian, Slidell, Stuart, Thompson of Kentucky, Toombs, Wright, and Yulee, by their votes here, declared that the Kansas-Nebraska bill was not an enabling act; for on that day they voted to create an enabling act for the people of that Territory. If estoppels are to be pleaded against the poor down-trodden people of Kansas, when they have been tyrannized over by a meager minority, backed up by the Army and the whole force of the Government of the United States, I beg leave, also in their behalf, to plead an estoppel against those gentlemen who are pleading this Lecompton constitution as an estoppel against them. As against the President of the United States, or rather as against this Administration, I will also plead an estoppel. This Administration claims to be estopped by the action of the last Administration from raising any question as to the legality of the Legislature of 1855; that the people of Kansas are to be estopped from saying anything about the usurpation which then took place in that Territory; that they must submit to that Legislature, and to all that follows as the consequence of that submission. Administration officially declared, (and the present Administration should be bound by it,) in effect, that there was no enabling act then in existence for Kansas, and that it was necessary that Congress should intervene to pass an enabling act for that Territory. President Pierce said, in a special message to Congress, in January, 1856: "This, it seems to me, can be best accomplished by pro-viding that when the inhabitants of Kansas may desire it, and shall be of sufficient numbers to constitute a Siste, a convention of clegates, duly elected by the qualified voters, shall assemble to frame a constitution, and thus prepare, shall assemble to frame a constitution, and thus prepare, the control of the Union as a Siste. I respectfully recommended to the Union as a Siste. I respectfully recommended as a special appropriation be made to definy any expense which may become requisite in the execution of the laws or the maintenance of public order in the Territory of Kansas. V

It follows of necessity, if there is no enabling act contained in the organic act of Kansas Territory, the whole pretended authoritativeness of this Lecompton convention necessarily comes to the ground, and the constitution of necessity must fall with it. But, sir, I go one step further. Still standing on the grounds assumed by its advocates, conceding, for the moment, that such a power is contained in the organic act as an enabling clause, what then follows? The power thus given, is given to the Territorial Legislature, and it just as much belongs to the Legislature of 1857; as to the Legislature of 1855. The powers of the present Legislature are equal to the powers of the Legislature which called the convention to frame this constitution; and what that Legislature failed to do, this Legislature would have the power to do. If, when Governor Geary vetoed the bill passed by the Legislature of the Territory, instead of overriding his objections, they had provided, as he desired, that the constitution, when formed, should be submitted to a vote of the people for their ratification or rejection, does any person doubt that such a provision would be legal and binding on the con-vention? The Legislature has the power, if it have any, to prescribe for the authentication of the proceedings of the convention, for the mode of calling it, for the mode of certifying it. not say that the Legislature would have the right to prescribe what the convention should declare as the will of the people of Kansas in the formation of their government, what the constitution should or should not contain; but the Legislature, if it is to have any power, has power to give authenticity to the act of the convention, the mode of proving it, the mode in which the will of the peo-ple is to be expressed. The authority which one Legislature could exercise, another Legislature could exercise, and exercise at any time before the constitution framed by the convention, and the rights of the citizens under it, become fixed and vested; before it takes effect as a binding instrument. At any time before it becomes like a deed, executed, sealed, and delivered, the Legislature of the Territory have the right to intervene, to require an additional authentication, before it shall go forth as the expressed will of the people of Kansas. I know it will be urged that the convention might at once, under the law as it stood, have declared the constitution to be in force from the moment of their adjournment, without any submission. But if they had that power, they did not exercise it. Instead of exercising the power of declaring that constitution to be in force, they referred it back, or a portion of it at least, for revision by the people before it should take effect. They declared "this constitution shall take effect and be in force from and after the ratification by the people, as hereinbefore provided." From and after the ratification it is to take effect; not before. When was that ratification to take place? On the 21st day of December. Before the 21st of December the Legislature of the Territory, then in session,

passed a law requiring the constitution to be submitted to the people for their ratification or rejection entire; and that law passed and took effect four days before the constitution took effect. Under that law, the constitution was submitted in fact to a vote of the people of the Territory, and was rejected by a majority of over ten thousand. If the constitution could not take effect until the 21st of December, it was still an unexecuted instrument; it was still like a deed undelivered, or a will, if you please, while the testator is still living: the time had not arrived when it was to take effect. Before that time arrives, the law-making power intervenes, and requires an additional certificate to its authenticity. Why, sir, take the simple case of a deed: you give a power of attorney to an individual to execute'a deed; under that power he would have the absolute right to execute it, acknowledge it, and deliver it; and it would take effect against you. But suppose, instead of executing it and delivering it, he may have some doubt about some clause contained in it-the description, perhaps-and he sends it back to you to take advice on that question; and while the deed is being sent back, while the deed is in your hands still undelivered, the law-making power intervenes, and provides for an additional authentication; that instead of one, there shall be two witnesses, and instead of acknowledging it before one commissioner, you shall acknowledge it before a judge, to give it effect: what effect would that law have upon this instrument? It would prevent its taking legal effect as an instrument, because it was not in fact executed, sealed, and delivered, when the law intervened, and you refused to give it the additional authentication. The law of principal and agent is the same, from the simple servant-boy sent upon an errand by his master, his authority resting in parol, in mere word of mouth, to the envoy extraordinary and minister plenipotentiary from Great Britain, commissioned by letters patent under the great seal of the Crown. It is just as true as to the one as the other, that at any time, at any moment before the authority is executed, the power may be revoked or modified, or rescinded altogether by the

principal. On this point, then, I maintain, in the first place, that no authority has ever been conferred upon the Territorial Legislature to call a convention to form a constitution for the people of Kansas; but if any such authority is anywhere to be found within the clauses of the organic act, the Legislature of that Territory lately elected, clothed with all the power which was given to the first, before the constitution became an executed thing, having force and effect, according to its own language, passed an act by which it was required that there should be an additional authentication of that instrument. I know that the gentlemen on the other side may say that this is a technical objection; that it is standing upon technical grounds. Is it not upon legal technicalities alone that they rest their defense of this constitution? Do they rest upon its justice or its fairness, because it is binding upon that people in honesty and good faith? No. sir. They rest upon it because they say it is technically the legally expressed will of the people of Kansas. If they choose to stand upon technical-ities, it is just that they should fall by technical-ities. If they will plant themselves upon the harsh rigor of the law, though it shall trample truth and justice and liberty under the iron heel of despotic power, let them remember that the same rigor of the law may bring that policy to the block. Take your "pound of flesh" if you will, because it is written in the bond; but not "one drop of Christian blood," because it is not written in the bond; " for, as thou urgest justice, be assured thou shalt

have justice."

But, Mr. President, waiving these technicalities, advancing one step further in the examination of this important question whether Kansas should be admitted into the Union under the Lecompton constitution, I desire to examine whether, in a more enlarged or liberal sense, the Lecompton constitution is binding in equity upon the people of Kansas, even if you go upon the ground that the Legislature of 1855 was the legal Territorial Legislature of Kansas. I shall not controvert the doctrine which is assumed upon the other side; for I believe it to be true, that if a fair opportunity to vote be given, and a majority of a people choose to refrain from exercising that franchise, and stay away from the polls, they cannot complain of those who may choose to exercise that prerogative. They, by staying away, silently acquiesce in whatever the majority may do who choose to vote.

Now I come to the all-important question so often put upon this floor, and repeated in public newspapers and in private conversation, why did not the free-State people of Kansas, if they are in a majority, as they claim to be so largely, go to the polls and vote for delegates to the convention which framed this constitution? There are, in my judgment, good and sufficient reasons why the election which took place for delegates should not be pleaded as an estoppel upon the people of Kansas—why they should not be concluded by its results; and I will briefly state some of them. The first is, that nearly one half of all the organized counties of that Territory were disfranchised, and without any fault of their own. They could by no means whatever take any part in the elec-tion of delegates, if they would. Mr. Walker, in speaking on that subject, says:

"That convention had vital, not technical defects in the very substance of its organization under the territorial law, which could only be cured, in my judgment-as set forth in my inaugural and other addresses—by the submission of the constitution for ratification or rejection by the people. On reference to the territorial law under which the convention was assembled, thirty-four regularly-organized counties were named as election districts for delegates to the convention. In each and all of these counties it was required by law that a census should be taken, and the voters regis-tered; and when this was completed, the delegates to the convention should be apportioned accordingly. In nineteen of these counties there was no census, and therefore there could be no such apportionment there of delegates based upon such census. And in fifteen of these counties there

upon sucen census. And in fitteen or these counters there was no registry of voters.

"These fitteen counties, including many of the oldest organized counties of the Territory, were entirely distranchised, and did not give, and by no fault of their own) could not give a solitary vote for delegates to the convention.

Mr. Stanton, the acting Governor of Kansas, under whom this registry was made and this census taken, says:

"There are thirty eight counties, gentlemen, in the Territory of Kansas, including the distant county of Arapahoe, In nineteen of these counties an imperfect register was obtained, giving a vote of nine thousand two hundred and fifty-one. In the other nineteen counties there was no census and no registration."

Now, I should like to know if this of itself is not a sufficient answer to the claim that the people of the Territory of Kansas are to be concluded by the action of that convention; that nearly one half, or quite one half of all the organized counties of the Territory, by no fault of their own, were entirely disfranchised? What reply is there to

But, again: in the other nineteen counties the census taken and registry made were so notoriously false and fraudulent, both in the omission of resident voters and in the insertion of the names of non-resident voters, that the people of the Territory could not be called upon, and in justice ought not to be called upon to place any confidence whatever in the fairness of the election to which they were invited. As this is the important point involved in this case, I must ask the indul-gence of the Senate while I read some authority for the truth of what I now state. The Leaven-worth Times, a paper published at the city of Leavenworth, in an article published directly after this census was completed, said:

"Instead of reporting to the probate judge the names of all the legal voters of that county,' he has omitted by fraud, accident, or mistake, nt least one hundred free State voters in this town alone, many of whom are among the first settiers of the Territory, and are now among the most prominent men of the county. C. F. Chrier, M. J. Parrott, H. J. Adams, (since chosen Mayor of Leavenworth by a large majority,) H. Miles More, E. Ross, H. P. Johnson, Jared Phillips, and many others who might be named, are men well known to the officer who took the census, and have a bona fide residence in this town, and have lived here longer than one half of the persons whose names have been regis-

All of these gentlemen were prominent men living in the city of Leavenworth, well known to the officers who took the census. It further says that there were three printing offices in the city of Leavenworth; two of them free-State printing offices, and one a pro-slavery printing office. In taking the census not a man belonging to either of the free-State printing offices was placed upon the registry.

Again, sir, I read an extract from the history of Kansas and the administration of Governor Geary, by Dr. Gihon, the private secretary of Governor Geary. In speaking of this law and the taking of the census under it, he says:

" It provides for the taking of a census preparatory to an election to be held in June, 1857, for delegates to n convention to frame a State constitution, to be presented to the next Congress for its approval. At the election no citizen is allowed to vote who was not in the Territory on or before the 15th of March. The census takers and judges of election are the sheriff and other officers appointed by the pro-slavery party, and bound to its interests.
"Agreeably to this regulation, hundreds of free State men

who had been forcibly driven from their claims and homes during the past year's disturbances, and who, in conse-quence of the difficulty of travel, could not return until after the 15th of March, were disfranchised, as were also the thousands of emigrants that were expected to arrive after that period, and prior to the day fixed for the election. Whilst on the other hand, thousands of Missourians could simply cross the border into the Territory, register their names voters, and return to their homes to awnit the election. But even that trouble was at length considered unnecessary, for the sheriffs and census takers found it more convenient to carry their books into Missouri and there record their names. Although 'this was really done, the names of many of the most prominent and oldest free-State residents of the Ter-ritory were never registered.'"

To what kind of an entertainment were the people of Kausas invited when they were invited to take part in that election under such a registry and such a census as that?

There is another reason why the people of that There is another reason way and people Territory should not be concluded and estopped by the election of delegates to the convention. is this: by the written pledge of honor given by several of its members previous to their election, the people of Kansas were assured, and they had reason to believe, that the constitution to be formed at Lecompton should be submitted to them for their approval or rejection. I read the pledge:

To the Democratic voters of Douglas county:

It having been stated by that abolition newspaper, the Herald of Freedom, and by some disaffected bogus Democrats, who have got up an independent ticket for the pur-pose of securing the vote of the Black Republicans, that the regular nominees of the Democratic convention were opregular nonmetes of the Democratic volvelition were op-posed to submitting the constitution to the people, we, the candidates of the Democratic party, submit the following resolution, which was adopted by the Democratic conven-tion which placed us in somination, and which we fully and heartily indorse, as a complete refutation of the standers above referred to.

JOHN CALHOUN, W. S. WELLS, A. W. JONES, H. BUTCHER, JOHN M. WALLACE, . S. BOLING, W. T. SPICELY, L. A. PRATHER.

LECOMPTON, KANSAS TERRITORY, June 13, 1857.

"Resolved, That we will support no man-as a delegate to the constitutional convention, whose duties it will be to frame the constitution of the future State of Kansas, and to mold the political institutions under which we, as a pec ple, are to live, unless he pledges himself, fully, freely, and without reservation, to use every honorable means to submit the same to every bona fide actual citizen of Kansas, at the proper time for the vote being taken upon the adop tion by the people, in order that the said constitution may be adopted or rejected by the actual settlers of this Territory, as the majority of voters shall decide."

The "slander" was, that they were not about to submit the constitution, to be formed by the convention at Lecompton, to the people for ratifi-

cation or rejection!

Here I will notice a point which was taken by the honorable Senator from Mississippi, [Mr. BROWN. 1 He claims that these men were released from their pledge by those persons who elected them-by their political friends. He felt the force of the blow and endeavored to parry it; but the answer which he gives is, in my judgment, no sufficient answer. A pledge given by a public man before an election may just as well affect the action of those who oppose his election as those who sustain it. It may induce them not to vote against him. It may induce them not to take any part to prevent his election.

But there is another reason why the people of the Territory of Kansas should not be estopped by the result of that election, and that is this: the Administration at Washington, in every form in which an Administration can be bound in honor and in good faith, gave the people of Kansas to understand that it was a part of their policy, on which they would insist, that the constitution about to be formed at Lecompton should be submitted to them for their ratification or rejection. I maintain that by the action of the President himself, by his own inaugural address, in which he declared it to be "the imperative and indispensable duty of the Government of the United States to secure to every resident inhabitant the free and independent expression of his opinion, by his vote;" by his instructions to Governor Walker, in which he declared in his official capacity, "when such a constitution shall be subpacity, "when such a constitution shall be sub-mitted to the people of the Territory, they must be protected in the exercise of their right of voting imports of that people are opposed that instrument, and

for or against that instrument, and the fair expression of the popular will must not be interrupted by fraud or violence;" by the often repeated declarations of Governor Walker himself to the people of Kansas, that he accepted tha appointment of Governor of Kansas upon the express condition that he should advocate the submission of the constitution to the people of Kansas, for their ratification or rejection; by his declaration to the people of Kansas, that it was so understood by the President, and every member of his Cabinet, that it was acquiesced in by them, that, in that respect, he and the President, and the Cabinet were united, that the constitution should be submitted to the people for their ratification or rejection; by all these assurances the people of Kansas had the right to believe, and they did believe, that the Administration stood pledged to the submission of the constitution to a fair vote of the bona fide actual settlers of the Territory, without being interrupted by fraud or by violence. How could they think otherwise? How could there be two opinions about it? Has it, indeed, come to this that no meaning is to be given to the inaugural address of the President of the United States while his oath of office is yet warm upon his lips? What a spectacle do we present to the whole civilized world! Have we indeed descended so low in the depths of official demoralization, that the people of the United States can no longer place any reliance upon the official messages, proclamations, and declarations of their highest functionaries?

Sir, I maintain that the people of Kansas had the right to believe, and they did believe, that the Administration, through its chosen organs in Kansas, Governor Walker and Secretary Stanton, as well as by the inaugural address of the President, and the letter of instructions to Governor Walker, stood pledged-pledged in honor, pledged in good faith-that the constitution to be formed at Lecompton should be submitted for their ratification or rejection. They had a right, not only to believe it, but to insist upon it; and the people of these United States, who are about to take this whole Kansas policy into their own hands, have a right to insist that the Congress of the United States shall see to it that every pledge and assurance thus given shall be, in letter and in spirit and in perfect good faith, fulfilled to the people of Kansas; that no such instrument, formed as this Le-

compton constitution was, shall be forced upon

that people against their will. But the President insists that the whole opposition of the people of Kansas to the Lecompton constitution grows out of the slavery question, and further, that the slavery question has been fairly submitted to the people of Kansas, and they should be concluded by the result of the election upon that submission. With all due deference to the President of the United States, I shall maintain that while the slavery question was more important than any other one question which agitated the people of Kansas, yet there were many other grounds of opposition to the adoption of the Lecompton constitution by the people of Kansas, upon which they had no opportunity to vote whatever. Governor Walker says:

my letters state that but one out of twenty of the press of Kanasa sustains. it. Some oppose it because so many counterswere distranchised and unrepresented in the convention, the work of the convention of the

"From the grant of these unusual and enormous powers, and from other reasons connected with the fraudulent returns of Oxford and McGee, an overwhelming majority of the people of Kansas have no faith in the validity of these

returns, and therefore will not voic."

I further maintain that the slavery question in on just sense was submitted to the people of Kansas at all. The only question submitted to that was the constitution with slavery under the slavery structure of the slavery that slavery under the slavery should. It was to be a slave State in any event. So it was understood by all the politicians and prosses who are to be regarded as among the leaders of the slavery-extending policy. The Charleston Mercury says:

"We do not think that the question of slavery or no slavery is submitted to the vote of the people. Whether the clause in the constitution is voted out or voted in, slavery exists and has a guarantee in the constitution that it shall not be interfered with."

It is expressly provided in the schedule that if the slavery article be stricken out, the property in the slaves then existing in the Territory shall never be interfered with. So far as the slaves then existing in the Territory are concerned, it is much more severe under the schedule than it is under the slavery article. Under the slavery article tits provided that you may emancipate slaves upon making compensation, and prevent, even, the importation of slaves, after you have abolished slavery within the State of Kansas.

But let us look a little more closely into the

But let u look a little more actually into the provisions of this constitution, to see whether the question of slavery was actually submitted at all to the people of Kansas. I respectfully ask the attention of every person accustomed to the consideration of legal questions, who has a seat on this floor; and I put this question to him: how, if the slavery article were stricken out of the constitution of Kansas, could a free negro, by whatever means taken into the Territory of Kansas, assert his freedom? I fa slaveholder living in Missouri should embark his slaves on board a boat to cross the river into Kansas, and and with lise slaves upon she soll of Kansas, with your slavery article stricken out, how could they obtain or assert their freedom? One provision in this constitution declares that "free acgroes shall not be permitted to live in Kansas, under any circumstances." There is another provision which de-

clares that no freeman shall be exiled from Kansas. A negro, therefore, if free, shall not be exiled
from Kansas; and a negro, if free, shall not be exiled
from Kansas. How can he assert his freedom?
Can he go into any court in Kansas and assert it?
If he apply for a kabeas corpus, if he bring a suit
for his freedom, he is estopped by the constitution
from saying that he is a freeman—a free negro in
Kansas.

Sir, under the provisions of the Lecompton constitution, a free negro could not enter the courts of Kansas alive, and be permitted to say, "I am free." He is estopped from saying that he is a free man anywhere on the soil of Kansas, under that constitution, even with your slavery article stricken out. Under that constitution, no matter by what means a negro is taken there, but one alternative is presented. The courts of Kansas will not suffer him to enter alive, and say that he is free; the courts of the United States are closed against him because of his African descent. There is, therefore, under that constitution, but one dread alternative presented to a negro in Kansas, by whatever means he goes there—slavery or death. He has no remedy whatever. Take it all in all, the greatest mistake-I ought to say, the boldest and the most unfounded of all assumptions by which it is sought to bolster up the Lecompton constitution-is the assumption that the question of slavery was ever submitted at all to the people of that Territory. I know of but one bolder and more unfounded assumption, and that is, that it was fairly submitted to the people of the Terri-

For one moment, sir, go back with me in imagination to the 21st of December. Let us suppose that we placed ourselves at the polls in Kansas, desiring to exercise rights as citizens of Kansas. From our position, education, and convictions, it would be very reasonable to suppose that we might differ entirely as to the policy of the introduction of the institution of slavery into that I should desire to vote against it. You might desire to vote in its favor. We present ourselves at the polls. You challenge my vote; I challenge yours. Before either of us can deposit our ballots, we are required to take an oath to support this constitution when it is adopted, and as there can be no vote whatever against it, it must of necessity be adopted. We look into its provisions. We find incorporated into the body of that instrument, and as a part of its very essence, its representation based upon the fraudulent votes and returns from Johnson and McGee counties. I wish to put this question: could you take that oath and swear to support such a constitution, embracing within its provisions what is known to all the world to be infamously fraudulent?

But again, sir, I will go one step further. If the slavery article is adopted, it contains the following clause:

"The right of property is before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its increase is the same, and as inviolable as the right of the owner of any property whatover."

Suppose the schedule had further provided that, in case this slavery article should be stricken from the constitution, the following should be substituted:

"No right of property exists or can exist in man or his

offspring; slaves are the fruit of the slave trade, which is declared to be piracy, and punishable with death; slaveholding under all circumstances is a felony, and shall be punished as a crime:"

I sak, could you conscientiously take an oath to support a constitution containing such a provision? Sir, I know not how others may feel, but I would not take an oath to support a constitution which declares the right of property in man to be higher and above any constitutional sanction, and that in that respect the constitution should never be altered, under any circumstances—no, sir, though the grave should open before me in one single hour.

The oath which I have supposed to have been put to you was not put to the pro-slavery voters in Kansas to compel them to remain absent from the polls and take no part in the election; but precisely that oath, which I have supposed to be put to myself, was put to every free-State man in Kansas who would offer to vote upon the constitution-an oath, against which his whole early education, every principle which he maintains. revolts. It produced precisely the effect which was intended-it drove the free-State men from the polls en masse. It effected precisely that, and that only, for which it was deliberately contrived and intended. I ask honorable gentlemen, is it just to say that the people of Kansas, the free-State men of Kansas, have had a fair opportunity to vote on this question, when, as a precedent to their voting, you compel them to take an oath which they cannot take without bringing moral perjury upon themselves? If it had provided that a pro-slavery man, who desired to vote for the introduction of slavery, should take an oath that it was a crime and a felony under all circumstances, would that be a fair submission to a pro-slavery man? The assumption by the President of the United States that the question of slavery has been fairly submitted to the people of Kansas, must, I assure you, sir, be based upon some logic which I cannot understand, which the people of the United States do not understand, and cannot be made to understand. There must be a "delusion" some where.

But, to return, the election was soon to come off in Kansas. The constitution itself was not submitted to the people; they were to have no fair opportunity to vote upon the slavery question; what was to be done? Let Mr. Stanton, acting Governor of the Territory, under these circumstances, speak for himself. Speaking of the condition of the people of the Territory, under these circumstances, and as this vote was about to be taken, he says, in his late speech in New York:

"You may well imagine that the people of the Territory were deeply excited; they were stirred to the very depths of the popular heart. Their murmurs were loud, their out-cries were boisterous, their threats were strong and violent. I could not much blame them for almost anything that they for the strong the strong and their their could not much blame the most amount of the They called upon me, in the absence of Governor Walker, as acting Governor of the Territory to give them what relief I could. What was I to do? What could I do under the circumstances? I saw the indputy that had been perpendent to the substitution of the substitution of the threats and murmurs of the people; I saw the thing done before my eyes, in the face of the words; the vites twrong that had ever been perpetrated against any people. I learned, what I they had ever contemplated the destruction of General John Calhonu, and every man who, by the terms of that constitution, they re-

garded as participants in carrying it into effect. I saw John Chalson afterward, on the result of that state of feeling, under the necessity of going into the Territory after his own offees—the most important, or the the company of the control of

Thus speaks out a noble and a generous hearted son of the South. Though he went to that Territory prejudiced against the free-State men of Kansas, though, to use his own language, he went there as a border ruffian, though he went there desiring to make it a slave State by every measuring to make it a slave State by every meant to go over that Territory and to learn the true state of the affairs of its people, when he saw them trodden under foot by an insolent and tyrannical minority, backed up by the Army and the Administration at Washington, he could no more refrain from giving uterance to the truth, and the whoft truth, than he could hold coals of fire in his bosom.

bosom.
But what were the actual results of this election on the 21st of December? There were nominals six thousand one hundred and forty-three votes given. Of those, three thousand and twelve were given in Johnson and Leavenworth counties, at Oxford, Shawnee, and Kickapoo; and the Speaker of the Assembly and the President of the Council declare, "from our personal knowledge of the settlements in and around the above places we have no besitation in saying that the great bulk of those votes were fraudulent."

By this morning's paper it is announced that in this very city is a Mr. Green, direct from Kansas, with the proof in his hands to show that there were but two thousand five hundred legal votes cast on the 21st of December in that Territory. What great men voted in Kansas at Kickapoo on that famous day? James Buchanan, President of the United States, William H. Seward, Thomas F. Marshall, George W. Brown, John C. Fremont, John Herndon, and Thomas H. Benton, are among the voters recorded at Kickapoo on the 21st of December!

What was the result of the vote cast on the 4th of January? The Lecompton constitution was submitted to the people of Kansas, and was rejected by a majority of over ten thousand votes. No question has been raised as to the legality of the votes that were given on thatday.

Do you ask any more witnesses to prove the truth of what I say? I do not propose to call witnesses who were friendly to the Republican party at the time they became acquainted with the facts. I will call the witnesses whom you yourselves have sent to the Territory of Kansas—free Governor in succession, one after another; and what is their united testimony? Governor Reeder, Governor Geary through his private secretary, Governor Stanton, Governor Walker, and even Governor Walker, and even

this Lecompton constitution for three months longer, until Governor Denver can become well acquainted with the situation of affairs in Kansas, my life upon it, we shall be able to call him as the next witness to prove the same truth.

Mr. President, strip this question of all its disguises, and express it in one single word; and
what is it, and what has it been from the beginning? Simply whether the minority of the people in that Territory, backed up by the Administation at Washington, shall form a constitution
eatablishing slavery in Kansas, and bring it into
the Union against the will of the majority; or
whether the majority of that people shall be permitted peacefully to form their own constitution,
and come into the Union as a free, independent,
and sovereign State? That is the question now;
it was the question in 1856; it was the question in
the beginning, and from before the beginning; and
there has been no other question from the fall of

1853 down to the present hour. I desire not to trespass upon the patience of the Senate; but I wish to state briefly some facts to justify the declaration which I have now made. In the spring of 1853, when Congress adjourned, it left undisposed the Nebraska bill. No person at that time entertained the idea of a repeal of the Missouri compromise. Mr. Atchison, who up to that time had opposed the passage of the bill, came to its support. He declared that he was prepared to submit to the compromise, as there was no longer any hope of repealing it. He returned to his home in western Missouri. During the fall of 1853, months before the Kansas-Nebraska bill was agitated in Congress, or in the country, Mr. Atchison attended some meetings in the border counties of Missouri; and to one of those meetings, an account of which was extensively published through the country at the time, I bcg leave to call your attention. It was a meeting at which Mr. Atchison himself made a speech, an account of which was given in the "Platte Argus."

In one of those resolutions it was declared that they were opposed to opening the Territory for settlement; in another, that, if it were open for settlement, the Missouri compromise should be repealed; and a third resolution was that, "if the Territory shall be opened to settlement, we pledge ourselves to each other to extend the institutions of Missouri over the Territory, at whatever sacrifice of blood or treasure." This meeting and those resolutions, though extensively published throughout the country, attracted but very little attention; but subsequent events have given to those resolutions a deep and momentous significance. From his home in Missouri he returned here to his place in the Senate. On the Bith of January, 1854, the proposition first appeared from the then Senator from Kentucky [Mr. Dixoz] to repeal the Missouri compromise. I

Dixon to repeat the Missouri compromise. It shall pass over that seasion of Congress when this great matter was discussed. The bill became a law on the 30th of May following. Mr. Atchison returned from his place here to his home in Missouri. The election which was first to come off in Kansas was to take place on the 29th of November following for the choice of a delegate to Congress. I read from the history of Kansas by the private secretary of Governor Geary:

"Several weeks previous to this election, General B. F. Stringfellow, ex-Vice President David R. Atchison, and

other prominent citizens of that State, addressed large metings in Missouri, urging the poles ¹ contert every election district in Kansas, in defance of Reeder and his vile mymidons, and vote at the point of the bowle-knife and revolver.¹ The cause, it was urged, demanded it, and ¹ it was enough that the slave holding interest will bit, from which there is no appeal? and, if the pro-slavery party should be 'defeated, then Missouri and the other southern States will have shown themselves recreant to their interest, and will deserve their fate.¹²

The issue was distinctly stated by Mr. Whitfield himself, in a speech shortly after that election, as follows:

"We can recognize but two parties in the Territory—the pro slavery and the anti-slavery parties. If the citizens of Kanssa want to live in this community at peace, and feel at home, they must become pro-slavery men; but, if they want to live with gangs of thieves and robbers, they must go with the Aboliton party. There can be no third party—no more than two issues—slavery and no slavery in Kansas territory."

At that election there were two thousand eight hundred and seventy-one votes given, of which one thousand seven hundred and twenty-nine were found to be illegal, every one of which illegal votes was cast for Mr. Whitfield. But this election, which took place on the 29th of November, was a very small affair compared with what was to come off when it was to be determined who should hold the legislative power of the Territory. At that time, (and it is a fact beyond all dispute: I have authorities before me going to demonstrate it,) nearly five thousand men, non-residents of Kansas, entered into the Territory, took possession, with arms in their hands, of the polls in every council district, and of every assembly dis-trict but one in the Territory, and chose every member of the Legislature with a single exception. After that election was over, from the same newspaper to which I have referred, the Platte Argus, jubilant expressions of victory were heard. The declaration was made: "They (the Missourians) have conquered Kansas. Our advice to them is, let them hold it or die in the attempt." I shall not pursue the history of that transaction. The report and speech of my honorable friend from Vermont [Mr. Collamen] are conclusive to show that from that usurpation, from the moment that armed body of men took possession of the Territory of Kansas, down to the time when the Lecompton constitution was framed, there never has been a moment that the power of the usurpers has not reigned supreme in that Territory, sustained by the Administration at Washington.

But one thing remained, and that was to induce the Administration at Washington, after they had accomplished this result, to acquiese in the usurpation. Then commenced the most memorable struggle in the Congress of the United States which this country has ever witnessed; the President upon the one side, with a large majority of the Senate and the House of Representatives with a small minority on the other. The whole question which underlay that controversy was simply this, nothing more and nothing less: shall the Congress of the United States, by law set aside or acquiesce in this usurpation. That struggle was a long one; for a long time it was a doubtful one; it was an earnest one; but at length the Executive by the power of the Administration brought to bet, succeeded.

From that hour to the present moment, the Executive has declared and insisted that the laws passed by that Territorial Legislature should be enforced by the whole power of the Government and at the point of the bayonet. From that moment there has been no relaxation in the grasp of that surpration. The people of Kansas feel it now; it is resting upon them still, and the crowning object of the whole, the ripened fruit of that usurpation, for which it was perpetrated, is this Lecompton constitution. Yes, sir, as it was presolved before the Kansas-Nebraska bill was prased, in western Missouri, at the meeting at which Mr. Atchison made his speech, that they would carry the institutions of Missourinto Kansas at whatever cost of blood or of treasure, they did organize, they did take possession of Kansas by force of arms, they did elect the Legislature of Kansas, by which, in three short weeks of a session they did extend the whole code of Missouri over the Territory; adding to it some provisions of their own, so atrocious and damnable in their character, that no member of Congress in either House has ever yet dared to stand up and defend them.

But, Mr. President, I fear that I have trespassed upon the time and the patience of the Senate already. I desire to say but a very few words more and I shall have done. It was during that struggle in Congress, and while it was pending, that the Republican party proper commenced its organization at Pittsburg, on the 22d of February, 1856. During that struggle, as the presidential election was coming off, I admit there were many individuals for whose intelligence I have the highest respect, and whose patriotism and integrity of character I have no reason to doubt, who not only did not believe, but whom no evidence which could then be produced could make believe, that any such state of things in fact existed. It was denounced as mere political exaggeration got up for political purposes for the advancement of a political party. They closed their eyes; they closed their ears; they did as the honorable Senator from South Carolina says that he has intended to do-they chose to remain ignorant of the facts transpiring in Kansas. They could not be made to believe that such a state of things could possibly exist in this country as that there should be a deliberate and an organized invasion. and an actual subjugation of one of the Territories of the United States by force of arms for the purpose of establishing slavery in the Territory

against the will of the people.

But the vail has now been drawn aside. It has been drawn aside under such circumstances, it has been drawn aside by such hands, that they can no longer disbelieve. The witnesses who now stand before the public to prove the truth of these transactions in Kansas, are not a committee sent out by the House of Representatives. They are not the political friends of the Republican party.

No, sir; they are the witnesses whom you have chosen to send out as your own agents—the witnesses to whom I have already referred—five Governors in succession, who, though they went there prejudiced against the people, with prejudiced eyes, not prepared to see the truth, have yet been conquered in spite of their prejudices, and have been converted by the people of Kansas from political enemies into warm self-sacrificing friends. They were the men of your own choice. I ask by what minede of power is it that the people of Kansas have conquered all these Governors that that have been sent out there to administer their affairs? The secret of their power consists in the simple fact that what they now say, and what they have said from the beginning, is true in relation to that Territory.

to that Territory.
Mr. President, I have gone over the history of this transaction much more rapidly than I could have desired; but I have done. There stands the truth of history. It can no more be doubted now that there was a regularly organized invasion and subjugation of that Territory, and the imposition of that Legislature, than there can be a doubt that of that Legislature, than there can be a consultant Cæsar crossed the Rubicon, or that Cornwallis sur-rendered to General Washington. There stands the indisputable, the overwhelming, the appaling truth, recorded upon the page of our history. No sophistry can obscure it; no special pleading, dictated by partisan blindness or mad ambition, can withdraw it from the sight. Though it sear the eye-balls, it will not down at your bidding. There it stands, and will continue to stand, when you and I and all of us shall have gone to render an account of our stewardship, and of the part we may have borne in these transactions, to the Lord of lords and the King of kings; when all that is mortal of us shall long since have moldered into ashes. Though centuries shall have passed away, American liberty, as she looks upon that page, may strive to obliterate it, but in vain. No mantle of her shame will be broad enough to cover it. No tears of her anguish can wash it away. The blood of her sons, though it flow in torrents, cannot drown it out of sight.

But one act more remains to make the page of infamy complete. Pass this bill, and it is done. Pass this bill, and it is done to remain forever, that in the same year in which Russia proclaimed freedom to be roomden, and while the whole civilized world were exultant with regionizing at that event, republican America, trampling under foot its own Declaration of Independence and every principle of self-government, by force of arms established a State government in Kansas for the purpose of extending the institution of slavery into that State against the will of its inhabitants.

HON. STEPHEN A. DOUGLAS.

IN EXPLANATION OF THE

NEBRASKA AND KANSAS

TERRITORIAL BILL.

ARMSTRONG, PRINTER

1854.

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TARRAGE AND TARSACT

JUL PERMITTER

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COLLEGE
WASHINGTON BRINTER
ROBERT ARROYSOFO, PRINTER.

LETTER.

Washington, February 16, 1854.

Sir: I am under obligation to you for your paper which has come to hand regularly from the commencement of the session. I saw with pleasure that you took a bold stand in favor of the Nebraska bill, and spoke in favorable terms of my speech in its support. In this you did no more than what might have been reasonably expected from a sound democratic paper. The bill rests upon, and proposes to carry into effect, the great fundamental principle of self-government, upon which our republican institutions are predicated. It does not propose to legislate slavery into the Territories, nor out of the Territories. It does not propose to establish institutions for the people, nor to deprive them of the right of determining for themselves what kind of domestic institutions they may have. It presupposes that the people of the Territories are as intelligent, as wise, as patriotic, as conscientious as their brethren and kindred whom they left behind them in the States, and as they were before they emigrated to the Territories. By creating a territorial government we acknowledge that the people of the Territory ought to be erected into a distinct political organization. By giving them a territorial legislation, we acknowledge their capacity to legislate for themselves. Now, let it be borne in mind that every abolitionist and freesoiler, who opposes the Nebraska bill, avows his willingness to support it, provided that slavery shall be forever prohibited therein. The objection, therefore, does not consist in a denial of the necessity for a territorial government, nor of the capacity of the people to govern themselves, so far as white men are concerned. They are willing to allow the people to legislate for themselves in relation to husband and wife, parent and child, master and servant, and guardian and ward, so far as white persons are to be affected; but seem to think that it requires a higher degree of civilization and refinement to legislate for the negro race, than can reasonably be expected the people of a Territory to possess. Is this position well founded? Does it require any greater capacity or keener sense of moral rectitude to legislate for the black man than for the white man? Not being able to appreciate the force of this theory on the part of the abolitionists, I propose, by the express term of the Nebraska bill, to leave the people of the Territories "perfeefly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States."

While I have understood you to support these principles, and to deferd the Nebraska bill upon these grounds in former numbers of your paper, I have observed with regret and amazement a leading article in your paper of the 14th instant, this moment received, in which the whole object, meaning, principles, provisions, and legal effect of the bill are so grossly and wickedly perverted and misrepresented, as to leave no doubt that the article was prepared by a deadly enemy, under

the hypocritical guise of friendship, for the purpose of furnishing "aid and comfort" to the northern whigs and abolitionists in their warfare upon this great measure of pacification and the Democratic party in New Hampshire and throughout the Union, and especially upon that great fundamental principle which declares that every people capable of self-government ought to be permitted to regulate their domestic concerns in their own way. It is but justice to you to remark, that the article in question, although appearing under the editorial head, has the sign at the end of it which would indicate that it was not written by the editor, but was furnished as a communication. Trusting that such may be the case, and that you will promptly vindicate yourself by exposing the fraud and its author, I will quote a single paragraph as a specimen of the whole article, which contains incontestable proof that the writer is an enemy to the bill, and to the great principle involved in it, and to its friends, and that he has assumed the garb of friendship in order to destroy, by fatal admissions, perversions, and misrepresentations, what he could not accomplish by direct opposition over his own

signature:

"The Nebraska bill, if it shall pass both houses of Congress and become a law, repeals the Missouri Compromise. And what will be the effect of such repeal? Unquestionably to revive and re-establish slavery over that whole region. When Louisiana was ceded to the United States the law of slavery existed over that whole vast territory. It required no law to establish the institution-it then existed in fact and by law. And out of that territory already three slave States have been carved, and admitted into the Union, viz., Louisiana, Arkansas, and Missouri. When they came into the possession of the Union as Territories, slavery had been planted and was flourishing upon their soil; and the whole territory of Louisiana was under the dominion of the law which established and legalized the institution. Therefore, when those States came into the Union, the people did not have to establish and ordain slavery. The Missouri Compromise repealed and excluded the institution above the line of 36° 30'. The repeal of that Compromise revives and re-establishes slavery in all the remaining territory of the Louisiana purchase. Therefore, the law which permits slavery will be revived, and slavery will exist in Nebraska and Kansas the very moment the Nebraska bill receives the sanction of the President, This is the only deduction which can be logically drawn from the

"The proposition, therefore, which northern men are to look fully in the face, and to meet without the possibility of evasion, is this Shall slavery be reinved and constant and Kansas? And, as a necessary consequence, shall the slave States regain that political preponderance in the Senate of the United States which they have lost by the more rapid multiplication, of late, of free States? These are the propositions which northern men must meet, and which they

cannot now dodge or evade."

Now, Mr. Editor, you must bear in mind that the italies are yours and not mine. When a newspaper writer italicises particular passages in an article. he has an object in doing so. We all know that the

object is to invite the attention of the reader especially to passages thus designated. What are the passages thus italicised? The first is, that the effect of the Nebraska bill will be "unquestionably to revive and re-establish slavery over that whole region!". The second is, that "The repeal of the Missouri Compromise revives and re-establishes slavery in all the remaining territory of the Louisiana purchase."

The third is, that the whole question involved in the passage of the Nebraska bill is: "SHALL SLAVERY BE REVIVED AND RE-ESTAB-

LISHED IN NEBRASKA AND KANSAS?"

Now, Mr. Editor, did you not know, when you read the " proof" of this article, that each of these passages, thus italicised, contains a wicked and unpardonable slander against every friend and supporter of the bill, whether he be a northern or a southern man,? Do you not know that the southern men deny the constitutional power of Congress to "establish slavery in the Territories?" Yet in the teeth of this undeniable fact, which is well known to every man, woman, and child who has ever read a newspaper, your paper represents these gentlemen as proposing to violate not only the constitution, but their own oaths, by voting to "establish" slavery in Nebraska and Kansas? After attempting to fix this brand of infamy on the brow of more than two-thirds of the members of the United States Senate, the writer of the article in question proceeds to show the kindness of his heart and the purity of his motives, by assuring your readers that he is no better than those whom he assails, and therefore he approves the act and advises its consummation.

Three times in the short paragraph I have quoted has the writer of that article repeated the statement that it was not only the legal effect, but the object of the Nebruska bill, to "revive and establish" slavery

in those Territories.

Now, sir, if you be a true friend of the bill, as your paper professes, you will correct these misrepresentations, and vindicate the measure, and the motives and conduct of its supporters, by publishing the bill itself, and especially that portion which relates to the act of 1820, and which your paper represents as being designed to establish slavery in the Territories. For fear that, you may not have a copy of the bill, I will transcribe so much as bears upon this point, with the request that during the pendency of this discussion you will keep it standing in your paper under the editorial head, in as conspicuous a place and italicised in the same manner in which the misrepresentation was published. I quote from the 14th section of the bill:

"That the constitution and laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which being inconsistent with the principle of Non-Intervention by Congress with slavery in the States and Territories as recognised by the legislation of 1850, (commonly called the Compromise measure) is hereby declared inoperative and void, it menns, the TRUE INTENT AND MEANING of this act, NOT to legislate slavery into any Territory or State, NOR to exclude it

therefrom, but to leave the people thereof perfectly free to form and eegulate their down way, subject only to the constitution of the United States." Now, sir, inasmuch as you are the editor of a democratic paper, and claim to be the friend of the bill, you will excuse me for repeating the suggestion that you keep this clause standing under the editorial head as a notice to your readers, that whoever shall hereafter say that the object of the bill is to "revive or establish slavery" in the Territories may be branded as he deserves, as a falsifier of the record, and a calumniator of those whom he professes to cherish as friends.

The bill provides, in words as specific and unequivocal as our language affords, that the true intent and meaning of the act is NOT to legislate slavery into any Territory or State. The bill, therefore, does not introduce slavery; does not revive it; does not establish it; does not contain any clause designed to produce that result, or which by any

possible construction can have that legal effect.

"Non-intervention by Congress with slavery in the States and Territories" is expressly declared to be the principle upon which the bill is constructed. The great fundamental principle of self-government, which authorizes the people to regulate their own domestic concerns, as recognised in the Compromise measure of 1850, and affirmed by the Democratic national convention, and reaffirmed by the Whig convention at Baltimore, is declared in this bill to be the rule of action in the formation of territorial governments. The two great political parties of the country are solemnly pledged to a strict adherence to this principle as a final settlement of the slavery agitation. How can that settlement be final, unless the principle be preserved and carried out in all new

territorial organizations?

But the professed friend of the measure in the article referred to follows the lead of his abolition confederates in this city, and declares that this bill opens that whole country to slavery! Why do they not state the matter truly, and say that it opens the country to freedom by leaving the people perfectly free to do as they please? Is it true, as these professed advocates of freedom would wish to make the world believe, that the people of northern latitudes are so adverse to free institutions, and so much in love with slavery, that it is necessary to have Congress appointed their guardian in order to preserve that freedom of which they boast so much? Were not the people of New Hampshire left free to decide this question for themselves? Did not all the New England States become free States under the operation of the principle upon which the Nebraska bill is predicated? If this be so-and every child knows that it is true-by what authority are we told that a country, lying between the same parallels of latitude which embrace all of the New England States, is to be doomed to slavery if we intrust them with the same rights, privileges, and immunities which the constitution guarantees to the people of New England? Are the sons of New England any less capable of judging for themselves when they emigrate to Minnesota, Nebraska, or Kansas, than they were before they ever passed beyond that circle which circumscribed their vision with their native valleys? Is it wise to violate the great principle of self-government, which lies at the foundation of all free institutions, by constituting ourselves the officious guardians of a people we do not know, and of a country we never saw? May we not safely leave them to form and regulate their domestic institutions in the same manner, and by virtue of the same principle, which enabled New York, New Jersey, and Pennsylvania, to exclude slavery from their limits

and establish free institutions for themselves? But, sir, I fear I have already made this letter too long. If so, my apology therefor is to be found in the great importance of the subject, and my earnest desire that no honest mind be misled with regard to the provisions of the bill or the principles involved in it. Every intelligent man knows that it is a matter of no practical importance, so far as the question of slavery is concerned. The cry of the extension of slavery has been raised for mere party purposes by the abolition confederates and disappointed office-seekers. All candid men who understand the subject admit that the laws of climate, and production, and of physical geography, (to use the language of one of New England's greatest statesmen,) have excluded slavery from that country. This was admitted by Mr. Everett in his speech against the bill, and because slavery could not go there, he appealed to southern Senators not to insist upon applying the provisions of the Utah bill to Nebraska, when they would derive no advantages from it. The same admission and appeal were made by Mr. Smith, of Connecticut, in his speech against the bill. To-day Mr. Badger, of North Carolina, replied to these appeals by the distinct declaration that he and his southern friends did not expect that slavery would go there; that the climate and productions were not adapted to slave labor; but they insisted upon it as a matter of principle, and of principle alone. In short, all candid and intelligent men make the same admission, and present the naked question as a matter of principle, whether the people shall be allowed to regulate their domestic concerns in their own way or not. In conclusion, I may be permitted to add, that the Democratic party, as well as the country, have a deep interest in this matter. Is our party to be again divided and rent asunder upon this vexed question of slavery?

Everything in the past history of the democracy of New Hampshire gives confidence and assurance to their patriotic brethren throughout the Union in a crisis like the present. I believe I know enough of the intelligence, consistency, and firmness of her people, to warrant the belief that while her favorite and honored son stands, as he has stood and now stands, firmly at the helm of the ship of state, calmly facing the threatening danger, regardless of all personal consequences, her noble people at home will sustain themselves and him against the attacks of

open foes and the insidious assaults of pretended friends.

You will do me the justice to publish this in your next number.

I have the honor to be, very respectfully, your obedient servant,
S. A. DOUGLAS.

To the Editor of the State Capitol Reporter,

Concord, N. H.

NW 12

SPEECH

ENATOR DOUGLAS, OF ILLINOIS,

ON THE

PRESIDENT'S MESSAGE,

DELIVERED

IN THE SENATE OF THE UNITED STATES,

DECEMBER 9, 1857.

WASHINGTON: PRINTED BY LEMURE TOWER 1857.

SPEECH

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A a in the court. I have any magnessed, SENATOR DOUGLAS, OF ILLINOIS,

PRESIDENT'S MESSAGE.

DELIVERED IN THE SENATE OF THE UNITED STATES, DECEMBER 9, 1857.

On motion of Mr. DOUGLAS, the Senate resumed the consideration of the motion made by him yesterday, to print the President's message and accompanying documents, with fifteen thouand extra copies.

Mr. DOUGLAS said: Mr. PRESIDENT: When yesterday the President's message was read at the Clerk's desk, I heard it but imperfectly, and I was of the impression that the President of the United States had approved and indorsed the action of the Lecompton convention in Kansas. Under that impression, I felt it. my duty to state that, while I concurred in the general views of the message, yet, so: far as it approved or indorsed the action of that convention, I entirely dissented from it, and would avail myself of an early opportunity to state my reasons for my dissent. Upon a more careful and criticalexamination of the message, I am rejoiced to find that the President of the United States has not recommended that Congress shall pass a law to receive Kansas into the Union under the constitution formed at Lecompton: It is true that the tone of the message indicates a willingness on the part of the President to sign a bill, if we shall bee proper to pass one, receiving Kansas into the Union under that constitution. But, sir, it is a fact of great significance. and worthy of consideration, that the President has refrained from any indorsement | sage, to find so much less to dissent from of the convention, and from any recommen- than I was under the impression there was,

pursue with regard to the constitution there

The message of the President has made an argument-an unanswerable argument in my opinion-against that constitution, which shows clearly, whether intended to arrive at the result or not, that, consistently with his views and his principles, he cannot accept that constitution. He has expressed his deep mortification and disappointment that the constitution itself has not been submitted to the people of Kansas for their acceptance or rejection. He informs us that he has unqualifiedly expressed his opinions on that subject in his instructions to Governor Walker, assuming, as a matter of course, that the constitution was to be submitted to the people before it could have any vitality or validity. "He goes further, and tells us that the example set by Congress in the Minnesota case, by inserting a clause in the enabling act requiring the constitution to be submitted to the people. ought to become a uniform rule, not to be departed from hereafter in any case. On these various propositions I agree entirely with the President of the United States. and I am prepared now to sustain that uniform rule which he asks us to pursue, in all other cases, by taking the Minnesota provision as our example memahan a leathar

I rejoice, on a careful perusal of the mesdation as to the course Congress should from the hasty reading and imperfect hear-

ing of the message in the first instance. effect, he refers that document to the Congress of the United States-as the Constitution of the United States refers it-for us to decide upon it under our responsibility. It is proper that he should have thus referred it to us as a matter for congressional action, and not as an Administration or Executive measure, for the reason that the Constitution of the United States says that " Congress may admit new States into the Union." Hence we find the Kansas question before us now, not as an Administration measure, not as an Executive measure, but as a measure coming before us for our free action, without any recommendation or interference, directly or indirectly, by the Administration now in possession of the Federal Government. Sir, I propose to examine this question calmly and fairly, to see whether or not we can properly receive Kansas into the Union with the constitution formed at Lecompton.

. The President, after expressing his regret and mortification and disappointment, that the constitution had not been submitted to the people in pursuance of his instructions to Governor Walker, and in pursuance of Governor Walker's assurances to the people, says, however, that by the Kansas-Nebraska act the slavery question only was required to be referred to the people, and the remainder of the constitution was not thus required to be submitted. He acknowledges that, as a general rule, on general principles, the whole constitution should be submitted; but according to his understanding of the organic act of Kansas, there was an imperative obligation to submit the slavery question for their approval, or disapproval, butno obligation to submit the entire constitution. In other words, he regards the oran exception of the slavery clause, and proa mode different from that in which other from Federal questions, should be decided. will have, or whether they will have any Sir, permit me to say, with profound respect | banks at all; we agree that the people may for the President of the United States, that decide for themselves what shall be the I conserve that on this point he has com- elective franchise in their respective States mitted a fundamental error, an error which they shall decide for themselves what shall lies at the foundation of his whole argu- be the rule of taxation and the principles ment on this matter. I can well under upon which their finance shall be regulated atand how that distinguished statesman we agree that they may decide for them

in the country at the time the Nebraska bill was passed; he was not a party to the controversy and the discussion that took place during its passage. He was then representing the honor and the dignity of the country with great wisdom and distinction at a foreign court. Thus deeply engrossed. his whole energies were absorbed in conducting great diplomatic questions that diverted his attention from the mere territorial questions and discussions then going on in the Senate and the House of Representatives, and before the people at home. Under these circumstances, he may well have fallen into an error, radical aud fundamental as it is, in regard to the object of the Nebraska bill and the principle asserted

Now, sir, what was the principle enunciated by the authors and supporters of that bill when it was brought forward! Did we not come before the country and say that we repealed the Missouri restriction for the purpose of substituting and carrying out as a general rule the great principle of self-government, which left the people of each State and each Territory free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States? In support of that proposition, it was argued here, and I have argued it wherever I have spoken in various States of the Union, at home and abroad, every where I have endeavored to prove that there was no reason why an exception should be made in regard to the slavery question. I have appealed to the people if we did not all agree, men of all parties, that all other local and domestic questions, should be submitted to the people. I said to them, "We agree that the people shall decide for themselves what kind of ganic act, the Nebraska bill, as having made a judiciary system they will have; we agree that the people shall decide what kind of a vided for the disposition of that question in school system they will establish; we agree that the people shall determine for themdomestic or local, as contradistinguished selves what kind of a banking system they came to fall into this error. He was not | selves the relations between husband and

wife, parent and child, guardian and ward; and why should we not then allow them to decide for themselves the relations between master and servant ! "Why make an exception of the slavery question by taking it out. of that great rule of self-government which applies to all the other relations of life?". The very first proposition in the Nebraska bill was to show that the Missouri restriction, prohibiting the people from deciding the slavery question for themselves, constituted an exception to a general rule, in violation of the principle of self-government, and hence that that exception should be repealed, and the slavery question, like all other questions, submitted to the people to be decided for themselves.

Sir, that was the principle on which the Nebraska bill was defended by its friends. Instead of making the slavery question an exception, it removed an odious exception which before existed. Its whole object was to abolish that odious exception, and make the rule general, universal, in its application to all matters which were local and domestic, and not national or Federal. For this reason was the language employed which the President has quoted; that the eighth section of the Missouri act, commonly called the Missouri compromise, was repealed because it was repugnant to the principle of non-intervention established by the compromise measures of 1850, "it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave, the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." We repealed the Missouri restriction because that was confined to slavery. That was the only exception there was to the general principle of self-government. That exception was taken away for the avowed and express purpose of making the rule of self-government general and universal, so that the people should form and regulate all their domestic institutions in their own way.

Sir, what would this boasted principle of popular sovereignty, have been worth, if it applied only to the negro, and did not extend to the white man? Do you think we could have aroused the sympathies and the patriotism of this broad Republic, and have carried the presidential election last year in

the face of a tremendous opposition, on the principle of extending the right of self-government to the negro question, but denying it as to all the relations affecting white men? No, sir. We aroused the patriotism of the country and carried the election in defence of that great principle, which allowed all white men to form and regulate their domestic institutions to suit themselves-institutions applicable to white men as well as to black men-institutions applicable to freemen as well as to slaves-institutions concerning all the relations of life, and not the mere paltry exception of the slavery question. Sir, I have spent too much strength and breath, and health, too, to establish this great principle in the popular heart, now to see it fritted away by bringing it down to an exception that applies to the negro, and does not extend to the benefit of the white man. As I said before, I can well imagine how the distinguished and eminent patriot and statesman now at the head of the Government fell into the errorfor error it is, radical, fundamental-and, if persevered in, subversive of that platform upon which he was elevated to the Presidency of the United States.

Then, if the President be right in saying that, by the Nebraska bill, the slavery question must be submitted to the people, it follows inevitably that every other clause of the constitution must also be submitted to the people. The Nebraska bill said that the people should be left " perfectly free to form and regulate their domestic institutions in their own way "-not the slavery question, not the Maine liquor-law question, not the banking question, not the school question, not the railroad question, but "their domestic institutions," meaning each and all the questions which are local, not national, State, not Federal. I arrive at the conclusion that the principles enunciated so boldly, and enforced with so much ability by the President of the United States, require us, out of respect to him and the platform on which he was elected, to send this whole question back to the people of Kansas, and enable them to say whether or not the constitution which has been framed, each and every clause of it, meets their approbation.

The President, in his message, has made an unanswerable argument in favor of the principle which requires this question to be sent back. It is stated in the message, with more clearness and force than any language which I can command; but I can draw your attention to it and refer you to the argument in the message, hoping that you will take it as a part of my speechas expressing my idea more forcibly than I am able to express it. The President says that a question of great interest, like the slavery question, cannot be fairly decided by a convention of delegates, for the reason that the delegates are elected in districts, and in some districts a delegate is elected by a small majority; in others by an overwhelming majority, so that it often happens that a majority of the delegates are one way, while a majority of the people are the other way; and therefore it would be unfair and inconsistent with the great principle of popular sovereignty, to allow a body of delegates, not representing the popular voice, to establish domestic institutions for the mass of the people. This is the President's argument to show that you cannot have a fair and honest decision without submitting it the popular vote. The same argument is conclusive with regard to every other question as well as with regard to slavery.

But, Mr. President, it is intimated in the message that although it was an unfortunate circumstance, much to be regretted. that the Lecompton convention did not submit the constitution to the people, vet perhaps it may be treated as regular, because the convention was called by a Territorial legislature which had been repeatedly recognized by the Congress of the United States as a legal body. I beg Senators not to fall into an error as to the President's meaning on this point. He does not say, he does not mean, that this convention had ever been recognized by the Congress of the United States as legal or valid. On the contrary, he knows, as we here know, that during the last Congress I reported a bill from the Committee on Territories to atifhorize the people of Kansas to assemble and form a constitution for themselves. Subsequently, the Senator from Georgia (Mr. Toombs) brought forward a substitute for my bill, which, after having been modified by him and myself in consultation, was passed by the Senate. It is known in the country as "the Toombs bill." It authorized the people of Kansas Territory to

assemble in convention and form a constitution preparatory to their admission into the Union as a State. That bill, it is well known, was defeated in the House of Representatives. It matters not, for the purpose of this argument, what was the reason of its defeat. Whether the reason was a political one: whether it had reference to the then existing contest for the Presidency; whether it was to keep open the slavery question; whether it was a conviction that the bill would not be fairly carried out: whether it was because there were not people enough in Kansas to justify the formation of a State-no matter what the reason was the House of Representatives refused to pass that bill, and thus denied to the people of Kansas the right to form a constitution and State government at this time. So far from the Congress of the United States having sanctioned or legalized the convention which assembled at Lecompton, it expressly withheld its assent. The assent has not been given, either in express terms or by implication; and being withheld, this Kansas constitution has just such validity and just such authority as the Territorial legislature of Kansas could impart to it without the assent, and in opposition to the known will of Congress.

Now, sir, let me ask what is the extent of the authority of a Territorial legislature as to calling a constitutional convention without the assent of Congress? Fortunately this is not a new question; it does not now arise for the first time. When the Topeka constitution was presented to the Senate nearly two years ago, it was referred. to the Committee on Territories, with a variety of measures relating to Kansas. The committee made a full report upon the whole subject. That report reviewed all the irregular cases which had occurred in our history in the admission of new States. The committee acted on the supposition that whenever Congress had passed an enabling act authorizing the people of a Territoty to form a State constitution, the convention was regular, and possessed all the authority which Congress had delegated to it; but whenever Congress had failed or refused to pass an enabling act, the proceeding was irregular and void, unless vitality was imparted to it by a subsequent act of Congress adopting and confirming it. The friends of the Topeka constitution insisted

hat although their proceedings were irregdar, they were not so irregular but that Congress could cure the error by admitting Kansas with that constitution. They cited variety of cases, amongst others the irkansas case. In my report, sanctioned every member of the Committee on erritories, except the Senator from Vermont, (Mr. Collamer,) I reviewed the rkansas case as well as the others, and firmed the doctrine established by General lackson's administration and enunciated in he opinion of Mr. Attorney General Butler, part of which opinion was copied into the eport and published to the country at the

Now, sir, in order to ascertain what we inderstood on the 12th of March, 1856itle more than a year and a half ago-to the true doctrine on this point, let me all your attention to the opinion of Mr. Butler in the Arkansas case. The Governor of the Territory of Arkansas sent a printed ddress to President Jackson, in which he tated that he had been urged to call toether the Legislature of the Territory of arkansas, for the purpose of allowing them to call a convention to form a constitution, preparatory to their admission into the Union as a State. The Governor stated that, in his opinion, the Legislature had no power to call such a convention without the assent of Congress first had and obtained; but he asked instructions on that point. The President referred the case to the Secretary of State, and he asked for the advice of the Attorney General, whose opinion was given, and adopted, as the plan of action, and communicated to the Governor of Arkansas for his instruction. I will read some extracts from that opinion:

"Gonsequently, it. is not in the power of the seneral Assembly of Arkansis to pass any law for the purpose of electing members to form a constitution and State government, or to do any ther act, directly to indirectly, to create such law government. Every such law, even though it were approved by the Government of the Tarritory, would be null and void. If passed by them, notwitistanding his vete, by a vote of two-thirds of each brauch, it would still be

equally void.

"It'l am right in the foregoing opinion, it will ben follow that the course of the Governor, in feelining to call together the Territorial Legislature for the purpose in question, was such as his gald unties required; and that the views he has uppressed in his public address, and also in his decial communication to yourself, so far as they indicate an intention not to sanction or concur in any legislative or other proceedings towards the formation of a State government until Congress shall have authorized it, are also correct."

That is what I have understood to be the settled doctrine as to the authority of a Territorial Legislature to call a convention without the consent of Congress first had and obtained. The reasoning is very clear and palpable. A Territorial Legislature possesses whatever power its organic act gives it, and no more. The organic act of Arkansas provided that the legislative power should be vested in the Territorial Legislature, the same as the organic act of Kansas, provides that the legislative power and authority shall be vested in the Legislature. But what is the extent of that legislative power? It is to legislate for that Territory under the organic act, and in obedience to it. It does not include any power to subvert the organic act under which it was brought into existence. It has the power to protect it, the power to execute it, the power to carry it into effect; but it has no power to subvert, none to destroy; and hence that power can only be obtained by applying to Congress, the same authority which created the territory itself. But while the Attorney General decided, with the approbation of the administration of General Jackson, that the Territorial Legislature had no power to call a convention, and that its action was void if it did, he went further:

"No law has yet been passed by Congress which either expressly or impliedly gives to the people of Arkansas the authority to form a State

government."

Nor has there been any in regard to Kansas. The two cases are alike thus has. They are alike in all particulars so far as the question involving the legality and the validity of the Lecompton convention is concerned. The opinion goes on to say:

"For the reasons above stated, I am, therefore, of opinion that the inhabitants of that Territory have not at present, and that they cannot aquire otherwise than by an act of Congress, the

right to form such a government.

General Jackson's administration took the ground that the people of Arkansas, by the authority of the Territorial Legislature, had not the power to hold a convention to form a constitution, and could not acquire it from any source whatever except from Congress. While, therefore, the legis-

lative act of Arkansas was held to be void. so far as it assumed authority to authorize the calling of a convention to form a constitution, yet they did not hold, in those days, that the people could not assemble and frame a constitution in the form of a petition. I will read the rest of the opinion in order that the Senate may understand precisely what was the doctrine on this subject at that day, and what the Committee on Territories understood to be the doctrine on this subject in March, 1856, when we put forth the Kansas report as embodying what we Nebraska men understood to be our doctrine at that time. Here it is. This was copied into that report:

"But I am not prepared to say that all preecedings on this subject, on the part of the citidoubtedly possess the ordinary privileges and immunities of citizens of the United States. Among these is the right to assemble and to petition the Government for the redress of grievances. oIn the exercise of this right, the inhabitants of Arkanses may peaceably meet to-gether in primary assemblies, or in conventions shosen by such assemblies, for the purpose of petitioning Congress to abrogate the territorial government, and to admit them into the Union as an independent State ... The particular form which they may give in their petition cannot be material, so long as they confine themselves to the mere right of petitioning, and conduct all their proceedings in a peaceable manner. And as the power of Congress over the whole subject is plenary and unlimited, THEY MAY ACCEPT ANY CONSTITUTION, HOWEVER FRAMED, WHICH IN THEIR JUDGMENT MEETS THE SENSE OF THE PEOPLE TO BE AFFECTED BY IT. If, therefore, the citizens of Arkansas think proper to accompany their petition with a written constitution, framed and agreed on by their primary assemblies, or by a convention of delegates chosen by such assemblies, I perceive no legal objection to their power to do so, nor any measures which may be taken to collect the sense of the people in respect to it; provided, always that such measures be commenced and prosecuted in a peaceable manner, in strict subordination to the existing territorial government, AND IN ENTIRE SUBSERVIENCY TO THE POWER OF CONGRESS TO ADOPT, REJECT, OR DISREGARD THEM, AT THEIR PLEA-SURE"

While the Legislature of Arkansas had no power to create a convention to frame a constitution, as a legal constitutional body, yat, if the people chose to assemble under auch an act of the Legislature for the purpose of petitioning for redress of grevances, the assemblage was not illegal; it was not an unlawful assemblage; it was not and an analymful assemblage; it was not an analymful assemblage.

assemblage as the military power could be used to disperse, for they had a right under the Constitution thus to assemble and petition. But if they assumed to themselve the right or the power to make a government, that assumption was an act of rebellion which General Jackson said it was his duty to put down with the military force of the country.

If you apply these principles to the Kansa convention, you find that it had no powe to do any act as a convention forming government; you find that the act calling it was null and void from the beginning you find that the Legislature could confer no power whatever on the convention That convention was simply an assemblag of peaceable citizens, under the Constitution of the United States, petitioning for the re dress of grievances, and, thus assembled had the right to put their petition in th form of a constitution if they chose; bu still it was only a petition-having the force of a petition-which Congress could accept or reject, or dispose of as it say That is what I understand to b proper. just the extent of the power and authority of this convention assembled at Lecompton It was not an unlawful assemblage like tha held at Topeka; for the Topeka constitution was made in opposition to the territoria law, and, as I thought, intended to subver the government without the consent of Con gress, but, as contended by their friends not so intended. If their object was to sub vert it without the consent of Congress, i was an act of rebellion, which ought to have been put down by force. If it was peaceable assemblage simply to petition and abide the decision of Congress on the pe tition, it was not an unlawful assemblage I hold, however, that it was an unlawf assemblage. I hold that this Lecompton convention was not an unlawful assemblage but, on the other hand, I hold that the had no legal power and authority to estab lish a government, They had a right to petition for a redress of grievances. had a right in that petition to ask for th change of government from a territorial to a State government. They had a right to ask Congress to adopt the instrument which they sent to us as their constitution; and Congress, if it thought that paper embodied the will of the people of the Territory, fairly expressed, might, in its discretion, accept it as a constitution, and admit them into the Union as a State; or if Congress thought it did not embody the will of the people of Kansas, it might reject it; or if Congress thought it was doubtful whether it did embody the will of the people or not, then it should send it back and submit it to the people or have that doubt removed, in order that the popular voice, whatever it might be, should prevail in the constitution under which that people were to live.

So far as the act of the Territorial Legislature of Kansas calling this convention was concerned, I have always been under the impression that it was fair and just in its provisions. I have always thought the people should have gone together en masse and voted for delegates, so that the voice expressed by the convention should have been the unquestioned and united voice of the people of Kansas. I have always thought that those who staid away from that election stood in their own light, and should have gone and voted, and should have furnished their names to be put on the registered list, so as to be voters. I have always held that it was their own fault that they did not thus go and vote; but yet, if they chose, they had a right to stay away. They had a right to say that that convention, although not an unlawful assemblage, is not a legal convention to make a government, and hence we are under no obligation to go and express any opinion about it. They had a right to say, if they chose, "We will stay away until we see the constitution they shall frame, the petition they shall send to Congress; and when they submit it to us for ratification we will vote for it, if we like it, or vote it down if we do not like it." I say they had a right to do either, though I thought, and think yet, as good citizens, they ought to have gone and voted; but that was their business and not

Having thus shown that the Convention at Lecompton had no power, no authority, to form and establish a government, but had power to draft a petition, and that petition, if it embodited the will of the people of Kansas, ought to be taken as such an exposition of their will, yet, if it did not embody their will, ought to be rejected—having shown these facts, let me proceed and inquire what was the understanding of the people of Kansas, when the delegates

were elected? I understand, from the history of the transaction, that the people who voted for delegates to the Lecompton Convention, and those who refused to vote both parties-understood the territorial act to mean that they were to be elected only to frame a constitution, and submit it to the people for their ratification or rejection. I say that both parties in that Territory, at the time of the election of delegates, so understood the object of the Conventions Those who voted for delegates did so with the understanding that they had no power to make a government, but only to frame one for submission; and those who staid away did so with the same understanding.

Now for the evidence. The President of the United States tells us, in his Message, that he had unequivocally expressed his opinions, in the form of instructions & Governor Walker, assuming that the coffstitution was to be submitted to the people for ratification. When we look into Gov ernor Walker's letter of acceptance of the office of Governor, we find that he stated expressly that he accepted it with the understanding that the President and his whole Cabinet concurred with him, that the constitution, when formed, was to be submitted to the people for ratification Then look into the instructions given by the President of the United States, through General Cass, the Secretary of State, to Governor Walker, and you there find that the Governor is instructed to use the milk tary power to protect the polls when the constitution shall be submitted to the people of Kansas for their free acceptance or rejection. Trace the history a little further, and you will find that Governor Walker went to Kansas and proclaimed, in his inaugural, and in his speeches at Topeka and elsewhere, that it was the distinct understanding, not only of himself, but of those higher in power than himself-meaning the President and his Cabinet—that the comstitution was to be submitted to the people for their free acceptance or rejection, and that he would use all the power at his consmand to defeat its acceptance by Congress, if it were not thus submitted to the vote of · BINTHOPS the people.

Mr. President, I am not going to stop and inquire how far the Nebraska bill, which said the people should be left perfectly free to form their constitution for themselves, authorized the President, or the Cabinet, or Governor Walker, or any other territorial officer, to interfere and tell the Convention of Kansas whether they should, or should not submit the question to the people. I am not going to stop to inquire how far they were authorized to do that, it being my opinion that the spirit of the Nebraska bill required it to be done. It is sufficient for my purpose that the Administration of the Federal Government unanimously, that the administration of the tercitorial government, in all its parts, unanimously understood the territorial law under which the Convention was assembled to mean that the constitution to be formed by. that Convention should be submitted to the people for ratification or rejection; and, if not confirmed by a majority of the people, should be null and void, without coming to Congress for approval.

Not only did the National Government and the territorial government so understand the law at the time, but, as I have. already stated, the people of the Territory so understood it. As a further evidence on that point, a large number, if not a majonity, of the delegates were instructed in the nominating conventions to submit the constitution to the people for ratification. I know that the delegates from Douglas county, eight in number, Mr. Calhoun, president of the Convention, being among them, were not only instructed thus to submit the question, but they signed and published, while candidates, a written pledge that they would submit it to the people for ratification. I know that men, high in authority, and in the confidence of the territorial and National Government, canvassed every part of Kansas during the election of delegates, and each one of them pledged himself to the people that no snap judgment was to be taken; that the constitu-Con was to be submitted to the people for acceptance or rejection; that it would be goid unless that was done; that the Administration would spurn and scorn it as a violation of the principles on which it came into power, and that a Democratic Congress would hurl it from their presence as an insult to Democrats who stood pledged to see the people left free to form their domestic institutions for themselves.

Not only that, sir, but up to the time when the Convention assembled, on the 1st

of September, so far as I can learn, it was understood everywhere that the constitution was to be submitted for ratification or rejection. They met, however, on the 1st of September, and adjourned until after the October election. I think it was wise and prudent that they should thus have adjourned. They did not wish to bring any question into that election which would divide the Democratic party, and weaken our chances of success in the election. I was rejoiced when I saw that they did adjourn. so as not to show their hand on any question that would divide and distract the party until after the election. During that recess, while the Convention was adjourned, Governor Ransom, the Democratic candidate for Congress, running against the present Delegate from that Territory, was canvassing every part of Kansas in favor of the doctrine of submitting the constitution to the people, declaring that the Democratic party were in favor of such submission, and that it was a slander of the Black Republicans to intimate the charge that the Democratic party did not intend to carry out that pledge in good faith. Thus, up to the time of the meeting of the Convention, in October last, the pretence was kept up, the profession was openly made, and believed by me, and I thought believed by them, that the convention intended to submit a constitution to the people, and not to attempt to put government in operation without such submission. The election being over, the Democratic party being defeated by an overwhelming vote, the Opposition having triumphed, and got possession of both branches of the Legislature, and having elected their territorial Delegate, the Convention assembled, and then proceeded to complete their work.

Now let us stop to inquire how they redeemed the pledge to submit the constitution to the people. They first go on and make a constitution. Then they make a schedule, in which they provide that the constitution, on the 21st of December the present month—shall be submitted to all the bona fide inhabitants of the Territory on that day, for their free acceptance or rejection, in the following manner, to wit thus acknowledging that they were bound to submit it to the will of the people, conceining that they had no right to put it into operation without submitting it to the people.

ple, providing in the instrument that it should take effect from and after the date of its ratification, and not before; showing that the constitution derives its vitality, in their estimation, not from the authority of the convention, but from that vote of the people to which it was to be submitted for their acceptance or rejection. How is it to be submitted? It shall be submitted in this form: "Constitution with slavery or constitution with no slavery." All men must vote for the constitution, whether they like it or not, in order to be permitted to vote for or against slavery. Thus a constitution made by a convention that had authority to assemble and petition for a redress of grievances, but not to establish a government-a constitution made under a pledge of honor that it should be submitted to the people before it took effect; a constitution which provides, on its face, that it shall have no validity except what it derives from such submission-is submitted to the people at an election where all men are at liberty to come forward freely without hinderance and vote for it, but no man is permitted to record a vote against it.

That would be as fair an election as some of the enemies of Napoleon attributed to him when he was elected First Consul. He is said to have called out his troops, and had them reviewed by his officers with a speech, patriotic and fair in its professions, in which he said to them: "Now, my soldiers, you are to go to the election and vote freely just as you please. If you vote for Napoleon, all is well; vote against him, and you are to be instantly shot." That was a fair election. (Laughter.) This election is to be equally fair. All men in favor of the constitution may vote for it-all men against it shall not vote at all. Why not let them vote against it ! I presume you have asked many a man this question. I have asked a very large number of the gentlemen who framed the constitution, quite a number of delegates, and a still larger number of persons who are their friends, and I have received the same answer from every one of them. I never received any other answer, and I presume we never shall get any other answer. What is that? They say if they allowed a negative vote. the constitution would have been voted down by an overwhelming majority, and

hence the fellows shall not be allowed to vote at all. (Laughter.)

Mr. President, that may be true. It is no part of my purpose to deny the proposition that that constitution would have been voted down if submitted to the people. It believe it would have been voted down by a majority of four to one. I am informed by men well posted there—Democrata—that it would be voted down by ten to one; some say by twenty to one.

But is it a good reason why you should declare it in force, without being submitted: to the people, merely because it would have been voted down by five to one if you had submitted it? What does that fact prove! Does it not show undeniably that an overwhelming majority of people of Kansas are unalterably opposed to that constitution? Will you force it on them against their will simply because they would have voted it down if you had consulted them! If you will, are you going to force it upon them under the plea of leaving them perfectly free to form and regulate their domestic institutions in their own way? Is that the mode in which I am called upon . to carry out the principle of self-government and popular sovereignty in the Territories-to force a constitution on the people against their will, in opposition to their protest, with a knowledge of the fact, and then to assign, as a reason for my tyranny, that they would be so obstinate and so perverse as to vote down the constitution if I had given them an opportunity to be consulted about it?

Sir, I deny your right or mine to inquire of these people what their objections to that constitution are. They have a right to judge for themselves whether they like or dislike it. It is no answer to tell me that the constitution is a good one and unobjectionable. It is not satisfactory to me to have the President say in his message that that constitution is an admirable one. like all the constitutions of the new States that have been recently formed. Whether good or bad, whether obnoxious or not, is none of my business and none of yours. It is their business and not ours. I care not what they have in their constitution, so that it suits them and does not violate the Constitution of the United States and the fundamental principles of liberty upon which our institutions rest. I am not going the afgued the question whicher the banking system established in that constitution is wise or number. It says there shall be no monopolies, but there shall be one bank of issue in the State, with two branches! All I have to say on that point is, if they want a banking system let them have it; af they do not want it be them prohibit it. If they want a bank with two branches, be it set; if they want twenty it is none of my business; and it matters not to me whether one of them shall be on the north side and the other on the south side of the Kaw river, or where they shall be.

While I have no right to expect to be consulted on that point, I do hold that the people of Kansas have the right to be consulted and to decide it, and you have no rightful authority to deprive them of that privilege. It is no justification, in my mind, to say that the provisions for the eligibility for the offices of Governor and Lieutenant Governor requires / wenty years' citizenship in the United States. If men think that no person should vote or hold office until he has been here twenty years they have a right to think so; and if a majority of the people of Kansas think that no man of fereign birth should vote or hold office unless he has lived there twenty years, it is their right to say so, and I have no right to interfere with them; it is their business, not mine; but if I lived there I should not be willing to have that provision in the constitution without being heard upon the subject, and allowed to record my protest against it.

I have nothing to say about their system of taxation, in which they have gone back and resorted to the old exploded system that we tried in Illinois, but abandonied because we did not like it. If they wis h to try it, and get tired of it, and abandonit, be it so; but if I were a citizen of Kansas I would profit by the experience of Illinois ou that subject, and defeat it if I could! Yet I have no objection to their having it if they want it; it is their business, not mine, to another the subsection to here.

*So it is in regard to the free negroesal which I would do if II were left free to They provide that no free negro shall be permitted to live in Kansas, of suppose that there is no justification to be made for they have a right to say so if they choose; but if I lived there I should want to vote that there is no justification to be made for this flagrant violation of popular rights in Kansas, on the plea that the constitution on that question. We, in Illinois, provide which they have made is not particularly that no more shall come there. We say

to the other States, "take care of your own free negroes and we will take care of ours." But we do not say that the negroes now there shall not be permitted to live in Illinois; and I think the people of Kansaought to have the right to, say whether they will allow them to live there, and if they are not going to do so, how they are to dispose of them: "I think they are

So you may go on with all the different clauses of the constitution. They may be all right; they may be all wrong. That is a question on which my opinion is worth nothing. The opinion of the wise and patriotic Chief Magistrate of the United States is not worth anything as against that of the people of Kansas, for they have a right to judge for themselves; and neither Presidents, nor Senates, nor Houses of Representatives, nor any other power outside of Kansas, has a right to judge for them. Hence it is no justification, in my mind, for the violation of a great principle of selfgovernment, to say that the constitution you are forcing on them is not particularly obnoxious, or is excellent in its provisions.

Perhaps, sir, the same thing might be said of the celebrated Topeka constitution. I do not recollect its peculiar provisions. I know one thing: we Democrats, we No braska men, would not even look into it to see what its provisions were. Why! Because we said it was made by a political party, and not by the people; that it was made in defiance of the authority of Congress; that if it was as pure as the Bible. as hely as the ten commandments, yet we would not touch it until it was submitted to and ratified by the people of Kansas, in pursuance of the forms of law. Perhaps that Topeka constitution, but for the mode of making it, would have been unexceptionable. I do not know; I do not care You have no right to force an unexception able constitution on a people. It does not mitigate the evil, it does not diminish the insult, it does not ameliorate the wrong, that you are forcing a good thing on them. Lam not willing to be forced to do that which I would do if I were left free to judge and act for myself Hence I assert that there is no justification to be made for this flagrant violation of popular rights in Kansas, on the pleasthat the constitution which they have made is not particularly

But, sir, the President of the United States is really and sincerely of the opinion that the slavery clause has been fairly and impartially submitted to the free acceptance or rejection of the people of Kansas, and that, inasmuch as that was the exciting and paramount question, if they get the right to vote as they please on that subject they ought to be satisfied; and possibly it might be better if we would accept it, and put an end to the question. Let me ask, sir, is the slavery clause fairly submitted, so that the people can vote for or against it! Suppose I were a citizen of Kansas, and should go up to the polls and say, "I desire to vote to make Kansas a slave State, here is my ballot." They reply to me, "Mr. Douglas, just vote for that constitution first, if you please." "Oh, no!" I answer, "I cannot vote for that constitution conscientiously. I am opposed to the clause by which you locate certain railroads in such a way as to sacrifice my county and my part of the State. I am opposed to that banking system ... I am opposed to this Know Nothing or American clause in the constitution about the qualification for office. I cannot vote for it." Then they answer, "You shall not vote on making it a slave State." I then say, "I want to make it a free State." They reply, "Vote for that constitution first, and then you can vote to make it a free State; otherwise you cannot." Thus they disqualify every free State man who will not first vote for the constitution; they disqualify Tevery slave State man who will not first vote for the a constitution. No matter whether or not the voters state that they cannot conscien. at tiously vote for those provisions, they reply, of "You cannot vote for or against slavery here. Take the constitution as we have made it, take the elective franchise as we have established it, take the banking system man we have dictated it take the railroad of lines as we have located them stake the to judiciary system as we have formed it, take at it all, as we have fixed it to suit ourselves, and ask no questions, but vote for it, or you shall not vote either for a slave or free State." In other words, the legal effect of at the schedule is this: all those who are in if favor of this constitution may wote for or magainst blavery, as they please; but all those who are against this constitution are de disfranchised, and shall not vote at all.

That is the mode in which the slavery proposition is submitted. Every man opposed to the constitution is disfranchised on the slavery clause. How Imany are they? They, tell you there is a majority, for they say, the, constitution will be voted down instantly, by an overwhelming majority, if you allow a negative vote. This shows that a majority are against it. They disqualify and disfranchise every man who is against it, thus referring the slavery clause to a minority of the people of Kansas, and leaving that minority free to vote for lor against the slavery clause, as they choose.

Let me ask you if that is a fair mode of submitting the slavery clause? Does that mode of submitting that particular clause leave the people perfectly free to vote for or against slavery as they choose? Am I free to vote as I choose on the slavery question, if you tell me I shall not vote on it until I vote for the Maine liquor law? Am I free to vote on the slavery question, if you tell me that I shall not vote either way until I vote for a bank? Is it freedom of election to make your right to vote upon one question depend upon the mode in which you are going to vote on some other question which has no connection with it? Is that freedom of election? Is that the great fundamental principle of self-government. for which we combined and struggled, in this body and throughout the country, to establish as the rule of action in all time to

The President of the United States has made some remarks in his message which it strikes me it would be very appropriate to read in this connection. He says:

"The friends and supporters of the Nebrasia and Kansas act, when struggling on a recent occasion to sustain its wise provisiona before the great tribunal of the American people, never differed about its true meating on this subject. Everywhere throughout the Union-they publicly pledged, their faith and, honor that they would cheerfully submit the question of alarery to the decision of the bona fide people of Kansas, without any restriction or qualification whatever, all were coyfidably united upon the great doctrine of popular sovereiguty, which is the vital principle, of our free institutions." onco if the Mark this: "once do mark they are in the support of the support of

"Had it shen been insinuated, from any quarter, that it would have, been a sufficient compliance with the requisitions of the organic law for the members of a convention, thereafter to be elected, to withhold a quietion of slavery from the people, and to substitute their own will for that of a legally ascertained majority of their constituents, this would have been instantly reto it . . mestituti. . a distranci.

Yes, sir, and I will add further, had it been then intimated from any quarter, and believed by the American people, that we would have submitted the slavery clause in such a manner as to compel a man to vote for that which his conscience did not approve, in order to vote on the slavery clause, not only would the idea have been rejected, but the Democratic candidate for the Presidency would have been rejected; and every man who backed him would have been re-Julid ti mir liected too.

The President tells us in his message that the whole party pledged our faith and our honor that the slavery question should be submitted to the people, without any restriction or qualification whatever. Does I this schedule submit it without qualification ! It qualifies it by saying, "You may vote on slavery if you will vote for the con-I stitution; but you shall not do so without doing that." That is a very important qualification—a qualification that controls a man's vote, and his action, and his conscience, if he is an honest man-a qualifitreation confessedly in violation of our platform. We are told by the President that our faith and our honor are pledged that the slavery clause should be submitted without qualification of any kind whatever; and now I am to be called upon to forfeit my faith and my honor in order to enable a small minority of the people of Kansas to defraud the majority of that people out of their elective franchise? Sir, my honor is pledged; and before it shall be tarnished I will take whatever consequences personal to myself may come; but never ask me to do an act which the President, in his message, has said is a forfeiture of faith, a violation of honor, and that merely for the expediency of saving the party. I will go as far as any of you to save the party. I have as much heart in the great cause that binds us together as a party as any man living. I will sacrifice anything short of principle and honor for the peace of the party; but if the party will not stand by its principles, its faith, its pledges, I will stand there, and abide whatever consequences may result from the position.

Let me ask you, why force this constitu-

sas in opposition to their wishes, and h violation of our pledges. What great object is to be attained? Cui bono? What are you to gain by it? Will you sustain the party by violating its principles? Do you propose to keep the party united by forcing a division? Stand by the doctrine that leaves the people perfectly free to form and regulate their institutions for themselves in their own way, and your party will be united and irresistible in power, Abandon that great principle, and the party is not worth saving, and cannot be saved, after it shall be violated. I trust we are not to be rushed upon this question. Why shall it be done! Who is to be benefitted Is the South to be the gainer? Is the North to be the gainer? Neither the North nor the South has the right to gain a sectional advantage by trickery or fraud.

But I am beseeched to wait until I hear from the election on the 21st of December. I am told that perhaps that will put it all right, and will save the whole difficulty. How can it ! Perhaps there may be a large vote. There may be a large vote returned. [Laughter.] But I deny that it is possible to have a fair vote on the slavery clause; and I say that it is not possible to have any vote on the constitution. Why wait for the mockery of an election when it is provided, unalterably, that the people cannot vote-when the majority are disfranchised?

But I am told on all sides, "Oh, just wait; the pro-slavery clause will be voted down." / That does not obviate any of my objections; it does not diminish any of them. You have no more right to force a free-State constitution on Kansas than a slave-State constitution. If Kansas wants a slave State constitution she has a right to it; if she wants a free-State constitution she has a right to it. It is none of my business which way the slavery clause is decided. I care not whether it is voted down or voted up. Do you suppose, after the pledges of my honor that I would go for that principle and leave the people to vote as they choose, that I would now degrade myself by voting one way if the slavery clause be voted down, and another way if it be voted up ! I care not how that vote may stand. I take it for granted that it will be voted out. I think I have seen enough in the last three days to make B rollion down the throats of the people of Kan- | certain that it will be returned out no man

ter how the vote may stand. [Laughter.] Sir, I am opposed to that concern because it looks to me like a system of trickery and jugglery to defeat the fair expression of the will of the people. There is no necessity for crowding this measure, so unfair, so unfust as it is in all its aspects, upon us. Why can we not now do what we proposed to We then voted do in the last Congress? through the Senate an enabling act, called "the Toombs bill," believed to be just and fair in all its provisions, pronounced to be almost perfect by the Senator from New Hampshire, (Mr. HALE,) only he did not like the man, then President of the United States, who would have to make the appointments. Why can we not take that bill, and, out of compliment to the President, add to it a clause taken from the Minnesota act, which he thinks should be a general rule, requiring the constitution to be submitted to the people, and pass that? That unites the party. You all voted, with me, for that bill, at the last Congress. not stand by the same bill now? Ignore Lecompton, ignore Topeka, treat both those party movements as irregular and void; pass a fair bill-the one that we framed ourselves when we were acting as a unit; have a fair election, and you will have peace in the Democratic party, and peace throughout the country, in ninety days. The people want a fair vote. They will never be They never should be natisfied without it. satisfied without a fair vote on their constition.

If the Toombs bill does not suit my

friends, take the Minnesota bill of the last session-the one so much commended by the President in his message as a model. Let us pass that as an enabling act, and all low the people of all parties to come to gether and have a fair vote, and I will go for it. Frame any other bill that secures a fair, honest vote to men of all parties, and carries out the pledge that the people shall be left free to decide on their domestic institutions for themselves, and I will go with you with pleasure, and with all the energy I may possess. But if this constitution is to be forced down our throats, in violation of the fundamental principle of free government, under a mode, of submission that is a mockery and insult, I will resist it to the I have no fear of any party associations being severed. I should regret any social or political estrangement, even temporarily; but if it must be, if I cannot ach with you and preserve my faith any my honor, I will stand on the great principle of popular sovereignty, which declares the right of all people to be left perfectly free to form and regulate their domestic institutions in their own way. I will follow that principle wherever its logical consequences may take me, and I will endeavor to defend it against assault from any and all quarters. No mortal man shall be responsible for my action but myself. By my action I will compromit no man.

[At the conclusion of the honorable gentleman's speech, loud applause and clapping of hands resounded through the crowded galleries.]

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HON. S. A. DOUGLAS, OF ILLINOIS,

KANSAS TERRITORIAL AFFAIRS.

DELIVERED IN THE SENATE UNITED STATES, MARCH 20, 1856.

WASHINGTON: PRINTED AT THE UNION OFFICE 1856.

SPEECH

HOM S.A. DOUGLAS OF HALMOIS.

KANSAN TERRITORIAL AEFAIRS.

DEFTANCED A MERK SEATER DALLER AREA APPROACHED

PARTER AT THE WORLD

SPEECH.

The Senate, as in committee of the whole, having taken up for consideration the bill to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union when they have the requisite population—

Mr. DOUGLAS said:

Mr. President: I will ask the indulgence of the Senate for such length of time as the subject may require, provided my strength do not fail me, while I submit some views in vindication of the majority report, and in answer to that of the minority, of the Committee on Territories, upon the Karsas question.

In the first place, however, as we have taken up for consideration the bill reported by the Committee on Territories, to authorize the people of that territory to form a constitution and State government, preparatory to admission into the Union, it is due to the subject that I should give a brief exposition of the provisions and princi-

ples of the bill.

The first section provides, that whenever the Territory of Kansas shall contain 33,420 inhabitants, to be ascertained by a census, taken in conformity with law, (that being the present ratio for a member of Congress,) a convention may be called by the legislature of the Territory to form a constitution and State government,

preparatory to its admission into the Union as a State.

The second section provides, that the convention shall be composed of twice the number of delegates which each district in the proposed State has representatives in the territorial legislature. At the election of those delegates it is proposed that all the white male inhabitants who shall have attained the age of twenty-one years, and who shall have resided six months in the Territory and three months in the district, may vote, provided they possess the qualifications required by the organio act of the Territory. By examination of the precedents, I find that it has been usual to prescribe the qualifications of the voters in the acts of Congress authorizing the people of the Territories to hold conventions and form constitutions preparatory to their admission into the Union.

The several acts of Congress preparatory to the admission of the following States preceibed a residence varying from three to twelve months as a condition of voting, fo wit: Illinois, six months; Indiana, twelve months; Ohio, twelve months; Mississippl, twelve months; Missouri, three months; Louisiana, twelve months; Alabama, three months. Most of the other new States formed their constitutions under the authority of their territorial legislatures without the preliminary action of Congress. In preparing this bill I have adopted the medium according to the precedents running through our whole territorial history—six months' residence in the Territory and three months in the district in which the vote may be given.

The third and only remaining section of the bill provides for the usual grants of land to be made to the State of Kansas, on the same terms upon which they

have been made to most of the other new States.

If there is anything objectionable in the details of the bill, they will be open to amendment, and I shall be ready to accept any amendment which, my judgment

approves.

Now, sir, a few words in regard to the speech of my colleague [Mr. TRUM BULL] diversed the other day in this body. It is well known to the Senate that the senator from Texas [Mr. Russ] called the attention of my colleague to the fact

that I was absent at the time, and for that reason suggested the propriety of a postponement of the discussion until I could be present. I was absent for the reason that the state of my health did-not-render it prudent for me to be present, and for the further reason that it had been distinctly understood and unanimously agreed, after a brief discussion, that all further discussion of the subject should be postponed for one week, and then to be resumed on the bill now under consideration, when, according to the courtesies of the Senate, as well as the rules of parliamentary proceedings, I would be entitled to open the debate as the author of the minority report, would be entitled to reply; after which, the subject would be open for free discussion by any senator who might desire to participate in it. Under these circumstances, I had no right to expect that my colleague would take advantage of my absence, in violation of the established usages and courtesies of the Senate, to open the discussion, and to make an assault on me personally as well as upon the report of which I was the author!

Fe commenced his remarks thus;

of "Mr. President, I cannot iconsent, entertaining the views which I hold, that this report shall go before the country without expressing my dissent. I am aware, sir, that it is sere accompanied by a minority report which in my judgment, presents this Kansas question in a masterly manner. "It utterly reduces the majority report upon the great question at issue; but, having been prepared without an opportunity to examine the majority report; it was impossible that it could meet and expose all its unfounded assumptions."

I wish the Senate to bear in mind that this is the first discussion which has taken place in the Senate between my colleague and myself, and that in the first paragraph of his first speech he could not refrain from a personal assault on myself. Whatever controversy, therefore, has grown out of it, or may result from it, is of his own seeking, unprovoked by me. He undertakes to tell the Senate, as a reason why he is not willing the majority report should go out to the country in connexion with the minority report, that the latter "having been prepared without an opportunity to examine the majority report, it was impossible that it could meet and expose all its unfounded assumptions." How does my colleague know that the secator from Vermont prepared the minority report without being allowed an opportunity to examine the majority report? What authority has he for the insimuation that there was unfairness practised by the majority to the minority of the committee? Where is the authority for making the charge, or rather the innuendo, of unfairness? Every member of the committee knows that the majority report was read to the whole committee on the Monday before its presentation to the Senate, or rather that about two-thirds of the report, containing every part of it which has been the subject of criticism by my colleague, was read on Monday. The senator from Vermont, who wrote the minority report, was present, heard every word, and took notes at the time of the points of dissent. The residue of the report was prepared on Monday night, and was read on Tuesday to the committee. The minority report was never shown to a member of the committee, or produced in committee, until the Wednesday afterward. Hence, the senator from Vermont had two entire days to prepare his dissent to all that part of the majority report which has been assailed by my colleague, and one day in regard to the rest of it.

It is proper here to remark, that I offered to postpone the time of making the report one day longer, if the senator from Vermont desired further time; but, on Wednesday morning, he declined availing himself of the postponement, upon the ground that he was then ready to make his report, and accordingly proceeded to read it to the committee. Then, on what authority is this innuendo of unfairness made by my colleague? A similar charge of unfairness was made in the newspapers, over anonymous signatures, nearly two weeks before the reports were prepared, in order to prejudice the public mind, and break the force of the facts and conclusions of the report when it should be made. I exposed the fraud then in open Senate, in the presence of my colleague and of the author of the minority report

I repeat the question. In the face of these facts, on what authority does my colleague, in the first paragraph of his first speech in the Senate, in referring to me, insert an innuendo containing a charge so unfounded and so offensive, and which is

known to be unjust and untrue by every member of the committee?

But my colleague says the minority report is "masterly." Be it so. He says that it "utterly refutes the majority report upon the great question at issue." The scenator from New York [Mr. Szward] endorsed the minority report in similar terms; and the senator from Massachusetts [Mr. Summer] returned his thanks to its author in like manner. The whole of that side of the chamber, including all the members of that party called anti-Nebraska men, or black republicans, endorse the opinion of my colleague that the minority report is a masterly production! Then, why not allow the two reports to go to the country together, and permit the discussion to proceed in the usual mode which the practice of this body requires? If the minority report is masterly, if it does utterly refute the majority report upon the great questions at issue, why does my colleague deem it necessary to be in such bot haste to rush into the discussion? What is his excuse?

"But, having been prepared without an opportunity to examine the majority report, it was impossible that it could meet and expose all its unfounded assumptions."

My colleague is unwilling to let them go together, because, although the minority report refutes that of the majority on the great point at issue, he is not satisfied to leave the country to decide upon those points. He prefers withdrawing the attention of the people from the great questions at issue to the minor points—to change the issue, and make up a new one on the minor points which are not met by the minority report. I cannot accommodate my colleague by consenting to that change of the issue. I am not willing that he shall now pass from the great points to the minor ones, and make personal issues with myself for the purpose of diverting public attention from the great questions involved in this contest between the democracy and the allied forces of know-nothing ism and abolitionism.

What are these minor points?—these "unfounded assumptions"—to which my colleague deemed it so necessary to reply at once? Nearly every point upon which he assailed the majority report is alluded to by the minority report. It is true, a large portion of his speech consisted in criticisms on my political course in connexion with the slavery question prior to the passage of the Kansas-Nebraska act. I do not propose to reply to that portion of his speech on this occasion. The people of Illinois have heard it from the stump in nearly every county of the State, together with my reply to it. If his present speech is intended for that meridian, I am willing that the people of Illinois should decide between us upon the case as there presented. If, on the other hand, it was intended to enlighten the Senate, I will pass it by in silence, and leave the judgment of the Senate to stand as it was formed when the same points were made by Mr. Chase and other abolition senators, and replied to by me at the night session, when the Nebrasks bill passed.

Nor, sir, shall I take time to vindicate myself against the innuendoe's contained in the garbled extracts given by my colleague from some speeches which I may have made in 1849 and 1850. The senator has chosen to quote from one of my speeches a phrase to the effect that I knew of no man in America who was in favor of the extension of slavery into Territory now free. If he had shown the connexion in which that remark was made, I should have no comment to make; I was speaking of the proposition to extend slavery by act of Congress, and in reply to those who wished to prohibit slavery by act of Congress. In that connexion I may have said, and I ought to have said, that I knew of no man in America who was in favor of the extension of slavery. If my colleague had stated that the remark which he attributes to me was used with reference to the extension of slavery by act of Congress, or the action of the federal government, instead of leaving the people of each state and Territory free to decide the question for themselves, comment or explanation from me would have been unnecessary. Other extracts were introduced

tending to make a false issue, or a true one, as the case may be, on me, in order to draw public attention from the great issues, which, according to his statement, are utterly refuted by the minority report. I shall not speud time on these minor questions.

One, however, I may allude to. Hereferred to that portion of the report of the committee which declares that the Kanssa-Ni braska bill was intended to conform to the great principle of State equality and self government, in obedience to the constitution. The language of the report is:

"The act of Congress for the organization of the Territories of Kansas and Nebraska was designed to conform to the spirit and letter of the federal constitution, by preserving and maintaining the fundamental principle of equality among all the States of the Union, notwithstanding the restriction contained in the Sth section of the act of March 6, 1820, (preparatory to the admission of Missouri into the Union,) which assumed to deny to the people foreer the right to settle the question of slavery for themselves, provided they should make their homes and organize States north of 36 deg. 30 min. north latitude."

My colleague replied to that—how! He denied that the Missouri restriction assumed to do any such thing. He denied that it assumed to prohibit slavery in the Territory, except while it remained a Territory. This is one of the "unfounded assumptions" to which he deemed it his duty to be in haste to reply. This is the language which he employed:

"Did the eighth section of the act, preparatory to the admission of Missouri into the Union, assume what is here charged? That provision, in my judgment, has been very much mis-understood. It is a provision relating to the 'territory' north of 36 deg, 30 min. north latt-tude, and not to the States to be formed out of it. I have not the provision before me, but I know that it provides substantially that 'in all that territory' north of 36 deg, 30 min. slavery shall be forever prohibited. The word 'forever' occurs in it; and that word seems to be very potent in the estimation of some gentlemen; but, like the word 'hereafter,' or any other word used in a law in reference to a Territory, it ceases to have effect whenever the Territory cases to exist. After the Territory is admitted into the Union as a State, the laws provided for its government while a Territory become nugatory, unless some provision be made for their continuance."

Is that one of the "unfounded assumptions" in the majority report ! Is it true, as he says, that the act of Congress known as the Missouri Compromise, although it contained the word "forever," did not mean forever! Is it true that, without the passage of the Nebraska bill, containing the repealing clause, the act of 1820 would have become nugatory and void on the people of the Territory forming a constitution at Topeka and coming into the Union? If so, what is meant by all the leaders of that great party of which he has become now so prominent a member when they charge me with violating a solemn compact -- a compact which they say consecrated that Territory to "FREEDOM FOREVER?" They say it was a compact binding "forever." He says that is an unfounded assumption, for it was only a law which would become void without even being repealed; it was a mere legislative enactment, like any other territorial law, and the word "forever" meant no more than "hereafter:" that it would expire by its own limitation. If this assumption be true, it necessarily follows that what he calls the Missour. Compromise was no companio was not a contract-nor even a compromise, the repeal of which would involve a breach of faith! and the first time of the property

If he be right in this assumption, what excuse has he for joining in this crossade against me, and against the democratic party, on the ground that we have repealed as acted compact—that we have removed the obligations of a solenn covenant which dedicated the country to freedom forever? If this position be true, he convicts all of his associates on that side of the chamber of having slanwered me, left his position be true, the "unfounded assumptions" of which he speaks were the assumptions of his conditions, and not of myself. Why not arraign them for their unfounded assumptions I Why not denounce them for having burned me in effiguon the charge that I had violated a solemn compact which, he says, was not a compact, but a mere ordinary act of legislation, intended to be temporary in its

character, and to become nugatory and void whenever there should be people enough to form a government, and to assume the right to govern themselves!

Sir, I understand the object of this part of his speech perfectly. He knows that the abolitionists of Illinois will tolerate him even in such an "unfounded assumption," provided he makes his war bitter enough on me personally, and on the democratic organization throughout the State, to compensate them for this disavowal of a portion of their creed. It is intended to detach here and there a democrat from his party, and to carry them captive into the black republican camp, to help fight the battle in the next presidential campaign; and in the event of success, he will be rewarded for his services upon the ground that the end justifies the means.

Again, he makes the following quotation from my report, cutting the sentence

in two, and omiting the first part of it :

"Another branch of this report to which I desire to call attention is in these words:

"In obedience to the constitution, the Kansas-Nebraska act declared, in the precise language of the compromise measures of 1850, that 'when admitted as a State the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe, at the time of their admission."

On this passage of the report he comments as follows:

"From this clause, which has no practical effect whatever, either in the compromise measures of 1850 or the Kansas-Nebraska act, it has been contended that the compromise measures of 1850 were inconsistent with the compromise of 1820. I deay the position. There is no inconsistency between them. The Missouri Compromise, as already shown, did not prevent the admission of a State into the Union with or without slavery, as its constitution might precribe at the time of its admission."

Here we are told that there "is no inconsistency between them"—the Missouri Compromise, the Kansas-Nebraska act, and the Compromise of 1850; that "the Missouri Compromise did not prevent the admission of a State (Kansas or Nebraska) into the Union with or without slavery, as its constitution might prescribe at the time of admission." If this assumption be true-if the Missouri Compromise was not designed to prevent Kansas and the rest of the territory north of 36° 30' from coming into the Union as slave States-if it did not impose any prohibition or restriction upon them in this respect—if, as is here asserted, they were at liberty to come into the Union with or without slavery, as they might choose, before the Kansas-Nebraska bill was passed-and if the passage of that bill made no change in this respect, why is my colleague declaiming against it in the name of freedom and humanity? What harm has the Kansas-Nebraska act done to him and his associates, and to the cause of freedom, of which they profess to be the especial champions, if it be true, as my colleague now asserts, that slavery was not prohibited "forever" in those Territories, and that they would have had the same right to come into the Union as slave States as they now have under the Kansas-Nebraska act? Why his desertion from the democratic party, and his alliance with black republicanism, if he really believes that the Missouri Compromise, like the Kansas-Nebraska act, left the people of those Territories perfectly free to form and regulate their domestic institutions in their own way, and to come into the Union with slavery, or without, as they might determine? If his construction of the Missouri Compromise be correct, it was a mere temporary expedient, possessing none of the characteristics of a covenant or compact or contract—an ordinary legislative enactment, which was liable to be repealed at any time; and which, if it had not been repealed, would have become nugatory and void in a very brief period. I fear that the anti-Nebraska party of Illinois will regard these opinions of my colleague as "unfounded assumptions." I regret that he did not enlighten his political brethren upon this subject, and persuade them to the correctness of these opinions, prior to his own election to the Senate. Had the fusionists of Chicago understood the question in 1854, as he now explains it, I think I would have had very little trouble in obtaining a hearing in my own defence when I returned home that year.

But, sir, I said that I would not take time in the discussion of these minor points which my colleague desired to bring into the debate, overlooking the great question at issue. My colleague states that question in these words:

"The great fact remains, and it is not met by the report that the people of Kansas have been conquered, as the governor himself once said, and a legislature has been imposed upon them by violence. Without denying this, the report, to use a legal phrase, demurs to the declaration, thereby admitting the charge, but denying that it affords any reason why the acts of such a legislature should not be enforced?

Is it true that the great fact remains undenied that Kansas was conquered ! Is it true that the report demurs to this allegation, and thereby admits its truth? In what part of the report is such an admission to be found? What line, what word in the report, gives the slightest pretext for such an assertion? On the contrary, the report of the committee not only denies, but disproves, the truth of such a charge, so conclusively that no man is inexcusable for repeating it. So over . whelming is the proof of the majority report on this point, that the only mode in which the minority could avoid or break its force was by suppressing the testimony which disproved the truth of the allegation. I am aware that it is a grave and serious matter to state that the minority report suppresses the evidence which conclusively disproves the truth of the allegation that Kansas was conquered, in order to arrive at a conclusion which could never have been rendered plausible, except by the suppression of the facts as they appear on record and in official journals. But I make the declaration boldly, with a full consciousness of all its responsibilities, and with a willingness and ability at all times to make good the proposition to the entire satisfaction of all fair and impartial minds.

The facts as presented in the majority report, and proven by official and incontrovertible evidence, are, that of the eighteen election districts into which Kansas was divided, allegations of violence and illegal voting were made in seven, while there was not at the time any pretext of fraud, violence, or illegal voting in the other eleven districts. The election was held on the 30th of March, 1855, under the proclamation of Governor Reeder, and in pursuance of the rules and regulations prescribed by him. The proclamation provided, among other things, that "in case any person or persons shall dispute the fairness or correctness of the return of any election district, they shall make a written statement, directed to the governor, and setting forth the specific cause of complaint or errors in the conducting or returning of the election in said district, signed by not less than ten qualified voters of the Territory, and with an affidavit of one or more qualified voters to the truth of the fact therein stated; and the said complaint on a fiffidavit shall be presented to the governor on or before the 5th day of April next, when the proper proceedings will

be taken to hear and decide such complaint."

In view of this direct invitation on the part of the governor, to all men who were dissatisfied with the result, to contest the election, and the assurance that he would "hear and decide such complaint," it does not appear from any source that ten men were ever found in any one of the eleven districts who were willing to sign the statement, or any one man who was willing to swear to the truth of the statement. that there had been fraud, violence, or illegal voting in any one of these eleven districts!. Such statements were made and presented to the governor in reference to some of the precincts in seven of the eighteen districts, but none in the other eleven. These facts are distinctly set forth in the majority report, and conclusively proved by reference to the official papers. While these facts are cantiously concealed in the minority report, and the vague charge of fraud and violence substituted for them in general terms, there is no specific denial of any one of these factsno pretence that the election was contested in any one of those eleven districts, or any man found to make the charge, much less to swear to the truth of it, as required by the governor in his proclamation. These eleven districts, where there. were no contests and no complaints filed with the governor, elected a large majority

of both branches of the legislature-to wit, ten of the thirteen councilmen and seventeen of the twenty-six representatives of which, by the organic law of the Territory, the legislature was composed, and a majority of whom were to constitute a legal quorum for the transaction of legislative business. Hence it is entirely immaterial, so far as the legality of the legislature is involved, whether the contested cases in the other seven districts were decided right or wrong. In either event there was a legal quorum of each branch of the legislature duly and fairly electeda sufficient number, under the organic law of the Territory, to constitute the two houses a lawful legislative assembly, competent to pass laws binding on the inhabitants of the Territory, and to impart vitality and validity to their legislative acts. It is true that in the seven contested districts the governor, after receiving the protests, and hearing the allegations of the parties, and inspecting the returns, set aside the returns, and ordered new elections in those districts, to be held on the 24th of May of that year. At this second election three of the same persons who had been returned as duly elected on the 30th of March, and whose elections had been set aside by the governor, were re-elected, and in the other districts different persons were elected than those who received the highest number of votes at the general election on the 30th of March. Thus it appears that each one of the twenty-six representatives and thirteen councilmen who assembled at Pawnee city on the 2d of July, in obedience to the governor's proclamation, went there with his commission certifying that he had been duly elected a member of the Kansas legislature. These facts are all distinctly set forth in the majority report, and no one of them directly contradicted in the report of the minority.

Now, let us see how the minority report disposes of these incontrovertible facts.

It says:

"The governor of Kansas having, in pursuance to law, divided the Territory into disricts, and procured a census thereof, issued his proclamation for the election of a legislative assembly therein, to take place on the 30th day of March, 1855, and directed how the same should be conducted, and the returns made to him, agreeably to the law establishing said Territory. On the day of election large bodies of armed men from the State of Missouri appeared at the polls in most of the districts, and by most violent and tumultuous carriage and demeanor overawed the defenceless inhabitants, and by their own votes elected a large majority of the members of both houses of said assembly."

Not a word about the eleven districts where there were no contests and no complaints! Not a word about the seven districts where there were contests, and complaints flied, and the election set aside by the governor! Not a word in regard to the specific number of districts to which the alleged invasion reached, and the number of connoilmen and representatives whose elections were supposed to be effected by it! The minority report is not burdened with such details as would convey to the mind of the reader a distinct idea of the real state of facts, from which the inference is attempted to be drawn that "Kansas had been conquered." In lieu of these facts, we have the vague, unfounded statement that in "most of the districts" frauds were prepetrated, which controlled the election of "a large majority of the members of both houses of the said assembly."

"Most of the districts!" "A large majority of the members!" Do seven out of eighteen constitute most of the districts? Do three councilmen out of thirteen, or nine out of twenty-six representatives, constitute a large majority? These vague, unsupported declarations are interposed to break the force of a distinct statement of facts, the truth of which is sustained by the official records, and the correctness

of which no man can with truth question or deny.

The minority report continues thus:

"On the returns of said election being made to the governor, protests and objections were made to him in relation to a part of said districts; and as to them, he set aside such, and such only, as by the returns appeared to be bad."

What is the inference? That the governor did not go behind the certificate, and only set the election aside because the certificate on its face was "bad?" Such

is not the fact. The governor did go behind the certificates—did inquire into the regularity of the proceedings, and the legality of the votes, as well as the form of the certificates. But it so happened that, there having been more or less illegal votes cast in these seven districts, the judges refused to certify in the form presented

in the governor's proclamation, and verify the same by their oaths.

In each of the other eleven districts, where the proceedings had been fair and regular, the judges did make their returns in due form, and, no protests being filed, no allegations of fraud or illegal voting being made, the governor granted certificates, as a matter of course, to the persons who had received the highest number of legal votes. This was the reason why, in every case where there had been illegal voting or unfairness in the elections, there were omissions or defects on the face of the returns, showing that the judges appointed by Governor Reeder would not certify and verify the certificates by their oaths that they were all legal voters when such was not the fact. This accounts for the coincidence that in each case where there were protests or allegations of fraudulent or illegal voting filed, there appeared such defects or omissions on the face of the returns made by the judges as raised the presumption that the allegations were in some degree true. But it does not by any means follow, nor is it the fact, as intimated, although not directly stated, in the minority report, that the governor did not go behind the returns, but confined his action to the defects and omissions apparent on their face.

The fact that the governor did go behind the returns, and investigate the legality of the proceedings at the polls, is distinctly stated in the report of the minority of the committee on credentials in the Kansas legislature; and the evidence of this fact is set forth in my report from the Committee on Territories. Hence the intimation in the minority report, that Governor Reeder acted only upon what appeared on the face of the returns, and did not decide upon the legality of the elections, is not only unsupported by testimony, but expressly contradicted by the record. Unwilling, however, to rely upon the assumption that seven out of eighteen constitute "most of the districts," and that the governor did not venture to go behind the returns to investigate fraudulent voting, the minority report proceeds to assign reasons why there were no protests and allegations of illegal voting in the other

seven districts.

In continuation of what I last read, it says:

"In relation to others, covering, in all, a majority of the two houses, equally victous in fact, but apparently good by formal returns, the inhabitants thereof, borne down by said violence and intimidation, scattered and discouraged, and laboring under apprehensions of personal violence, refrained and desisted from presenting any protest to the governor in relation thereto; and he, then uninformed in relation thereto, issued certificates to the members who appeared by said formal returns to have been elected."

Here the statement is, that in the other eleven districts, where there were no protests alleging fraudulent voting, where no ten men could be found to sign one, where no one man could be found to swear to one, the people were so intimidated, and so thoroughly conquered and subjugated, that they dared not protest. Is this assumption sustained or justified by the history of the transaction ? What portion of the Territory was reached by this influx of voters from Missouri? How far did they penetrate? What places formed the principal theatres of their operations? Were they not Leavenworth and Lawrence, and the precincts between them and in their vicinity? Yet at those very places, where the largest number of illegal votes were polled, where the scenes of violence and intunidation are chiefly located, protests were filed and allegations of fraudulent voting made, and the elections set aside, and new elections ordered by the governor, upon the ground that in those seven districts there was reason to apprehend that the voice of the bona fide inhabitants and legal voters of the Territory had not been freely and fairly expressed at the election. If at Lawrence and Leavenworth, and those points where it is alleged that the invaders made their most effectual efforts, the people were not intimidated, and through fear prevented from protesting against these lawless proceedings, and contesting the election in consequence of them, what reason is there to suppose that the people were so completely conquered and subjugated that they dare not protest against their wrongs, and petition for redress of their grievances, in other districts remote from the scenes of trouble, to which the intruders did not penetrate to any considerable numbers, if at all, and where the governor did not learn that there had been any unfairness in the elections until he was removed from office by the President, more than four months afterwards? The minority report says that the governor, being "UNINFORMED in relation thereto, issued certificates to the members who appeared by said formal returns to have been elected." The inference is, that if the governor had been informed in relation to this pretended invasion into those eleven districts he would not have issued the certificates.

From this it appears that the governor did consider himself authorized to go behind the "said formal returns," and investigate the legal qualifications of the voters and the fairness of the proceedings; and that he would have done so in those eleven districts had he known or been informed that the alleged invasion had extended from the other seven districts into those eleven. But, unfortunately, the governorwas "uninformed in relation thereto" at the time he canvassed the votes and issued the certificates! Certainly the communication was not cut off between the governor and those districts. The highways were open; people were allowed to pass and repass; for we are informed that the returns had at that time been duly made to the governor by the judges of the election in every one of those districts. How and by whom were the "said formal returns" duly made? The governor's proclamation, under which the election was held, expressly provided that "one copy of the oath, list of voters, tally-list, and return, shall be taken by one of the judges, who shall deliver the same in PERSON to the governor." According to the minority report, the judges whom Governor Reeder selected to conduct the election saw "large bodies of armel men from the State of Missouri" appear at the polls in most of the districts; saw them "overawe the defenceless inhabitants, and by their own votes elect a large majority of the members of both houses of said assembly" (the legislature;) saw the inhabitants "borne down by said violence and intimidation"and that, after witnessing all these appalling scenes, these same judges wrote out and signed a return, in which they stated that the election had been fairly and honestly conducted, and that the said return contained a true statement of the votes "polled by lawful votors;" and that these judges then verified the truth of the return by their own oaths, and then delivered the same to the governor in person, without communicating to him the fact that the Territory had been thus invaded; and that the governor, being "uninformed in relation thereto," issued the certificates to the men thus fraudulently elected, under the supposition that the election had been fairly and honestly conducted in all of those eleven districts. The Senate and the country are asked to believe this incredible story, on the authority of the minority, signed by one member of the committee out of six, unsupported by a single fact, and without a particle of evidence to sustain it or impart plausibility to it. Before Governor Reeder can believe the story, he must convict each one of the judges, whom he selected and appointed to conduct the election, of perjury in swearing to the truth of the returns. Were not the judges honest and impartial men? Did not Governor Reeder believe them to be such when he appointed them? When did he first make the discovery that each one of them had betrayed his trust and violated his oath? Is it not amazing that in the selection of thirty-three men to conduct the election in those eleven districts, the governor should not have been able to find one honest man, who feared God and loved his country enough to refrain from committing perjury by swearing to false returns, and inform the governor that his own Territory had been overrun and subjugated, and its elections controlled, by an invading army from a foreign State, and that the people were so much intimidated and frightened that they dare not protest against the outrage, or petition for the redress of their grievances, or even tell their own chief magistrate how great a calamity had befallen them while he remained wholly "uninformed in relation

Kansas conquered and subjugated, and that too without the knowledge of the governor! The polls seized and elections controlled by large bodies of armed men from Missouri, and the judges concealed the fact from the governor who appointed them! The people "borne down by said violence and intimidation," "scattered and discouraged," and filled with "apprehensions of personal violence" to such an extent that they did not dare to whisper into the ears of their favorite but "uninformed" governor the sad tale of their overwhelming calamities! How long did this reign of terror last? When did Governor Reeder become "informed in relation thereto?" How, when, by whom, and on what evidence, were these startling facts brought to the knowledge of his excellency? If he did not know the facts on the fifth of April, when he issued the certificates of election, had he ascertained them on the seventeenth of the same month, when he published his proclamation commanding each one of these "fraudulent members" to assemble and organize "a spurious legislature" at Pawnee City on the second day of July? Had be become informed of the facts when, more than three months after the election, he sent his first message to this" spurious legislature," and invoked the richest blessings of Divine Providence upon them while engaged in the performance of their high and patriotic duties? Had he heard of the alarming fact that "Kansas had been conquered" when he recommended to the legislature, thus elected and organized, to pass laws for the government of the people of Kansas upon the subject of education, and revenue, and taxation, and courts, and elections, and the militia, and, in short, upon all rightful subjects of legislation? Had he heard of the "conquest" when he vetoed the act of the legislature removing the seat of government temporarily from Pawnee City, and assigned, among other reasons, that it would occasion "a loss of time, the more valuable because their sessions were limited by the organic law of the Territory?" Who can conceive the extent of the evils resulting from the loss of ten days' time by a spurious legislature, which was forced on the people by an invading army from a foreign State? Was he "uninformed" of the facts when, on the 21st of July, he dissolved his official relations with the legislature solely upon the ground that they were assembled at the wrong place, and reminded them that if "our Territory shall derive no fruits from the meeting of the present legislative assembly," he had called their attention to the point that they had no right to adjourn their session from Pawnee City to Shawnee Mission? If "our Territory shall derive no fruits from the meeting of the present legislature," says the governor, "the responsibility rests not on the executive!" What "fruits" did he desire the Territory to derive from the spurious legislature? The governor must have been "uninformed" in relation to the alleged invasion when he uttered these lamentations over the loss of the fruits which he expected the Territory to gather from the action of this legislature. Had he become "informed in relation thereto," when, on the 16th of August, he addressed his last communication "TO THE HONORABLE THE MEMBERS OF THE COUNCIL AND HOUSE OF REPRESENTATIVES OF THE TERRITORY OF KANSAS," notifying them of his removal from the office of governor by the President of the United States? In that communication, which was his last official act as governor of the Territory, he repeated the opinion expressed in his message of the 21st of July: "that I was unable to convince myself of the legality of your session at this place, for the reasons then given." The "reasons then given" were, that the legislature was in session at the wrong place-to wit: at Shawnee Mission instead of Pawnee City. These were the only reasons which he ever assigned for believing that the acts of that legislature were not valid and binding on the people of Kansas. Up to that period of time-which was nearly five months after the alleged conquest-it does not appear that Governor Reeder had ever conceived the idea that the two houses of the legislature had not been fairly and honestly elected by the lawful voters and actual inhabitants of the Territory. Was he at that time "UNINFORMED" in relation to the conquest of the Territory five menths previous by an invading army?

Had he never heard, during all that time, that the "Territory had been overrum by large bodies of armed men from Missouri;" that "Kansas had been subjugated;" that "the inhabitants had been borne down by violence and intimidation;" that terror reigned everywhere in the Territory; and that the people were so much alarmed that they dare not tell the horrible tale of their multiplied wrongs? In fairness and justice to Governor Reeder, we are bound to believe that during the whole of that period he had never heard a whisper of any of these things, otherwise he would have taken prompt and energetic steps "to see that the laws were faithfully executed!" Having remained "uninformed" in relation to the invasion for five months after it is alleged to have happened, it becomes important to know when, how, from whom, and upon what evidence, he subsequently learned the great fact that Kansas had been conquered. My colleague [Mr. Trumbull] says:

"The great fact remains, and is not met by the report, that the people of Kansas have been conquered, as the governor himself once said, and a legislature has been imposed on them by violence".

Thus we find that the governor is the authority cited and relied upon to prove this great "fact." How does he know it? We have already seen that he did not witness it; that he has no personal knowledge upon the subject; that he never heard of it for five months after it happened! Who informed him? Where is the testimony upon which his statement is founded? It is not to be found in the minority report. It was not communicated to the Committee on Territories. It does not exist in any authentic form, or in any form except the naked, unsupported statement in my colleague's speech. He says that this "great fact remains, and is not met by the report" of the Committee on Territories, but, on the contrary, is "demurred to and thereby admitted." Permit me to tell my colleague that this great fact is met in the report, and denied, and disproved incontrovertibly by the public records and official acts and messages of the same governor upon whose vague and unsupported allegation he now ventures to make the charge. Governor Reeder cannot make such a statement without stultifying himself! He is not a competent witness to impeach the public records of his own official acts by avering the existence of a state of facts of which he has no personal knowledge, and in regard to which he is admitted to have remained "uninformed" for nearly five months after they are alleged to have occurred. This unsatisfactory and unreliable statement, which has been attributed to the governor for the purpose of proving that "the people of Kansas were conquered," and "a legislature imposed upon them by violence," can receive no additional force or credit in consequence of having been endorsed by my colleague, [Mr. Trumbull,] and the senator from New York, [Mr. Seward,] and the senator from Massachusetts, [Mr. SUMNER,] and the author of the minority report, [Mr. Collamer,] and the other champions of the black-republican party. They have no personal knowledge of the facts, and have no moral right to manufacture testimony for political purposes by endorsing unfounded statements the truth of which is disproved by all the evidence before the committee.

But, sir, since the opposition have determined to rest their whole case upon the assumption; that Kansas was conquered, and that a legislature was forced on the people by violence, I desire to follow the history of the transaction into the legislature of the Territory, and see what position each party there assumed, and what proceedings were had. Immediately after the organization of the two houses and the reception of the governor's message, a resolution was adopted by the house of representatives unthorizing any person who desired to do so to contest the right of any member holding a seat in that body upon giving notice to the sitting member. This resolution was a direct invitation to all men who believed that Kansas had been conquered, or that there had been fraud and violence in the elections, or that the result had been controlled by illegal votes, to come forward and state the facts

and prove their allegations.

If it were true, as alleged in the minority report, that the people had been intimidated and deterred from filing protests and making proof to the governor on

the 5th of April, one would suppose that sufficient time had elapsed to enable them to recover from their fright and induce them to appear before the legislature and vindicate their rights. That they were not deterred from appearing by apprehensions of personal violence is apparent from the fact that the seats of several members were contested, a committee appointed, testimony received, and two reports made to the house-one signed by four and the other by one member of the committee. The majority report says, that, "HAVING HEARD AND EXAMINED ALL THE EVIDENCE TOUCHING THE MATTER OF INQUIRY BEFORE THEM," they find that the seats of fifteen of the twenty-two members who were present remain uncontested, no person appearing to deny or question the fairness of their elections, or the regularity and truthfulness of the returns. Hence these fifteen representatives were permitted to retain their seats by unanimous consent; no one of the seven free-soil members who then held seats in the house interposing any objection to any one of these fifteen members. Thus it appears from the official records and journals that it was universally conceded at that time, by men of all parties, that a majority of the members of the legislature had been fairly and duly elected by the legal voters of the Territory. That majority, thus elected, constituted a legal quorum of both houses, according to the organic act of the Territory. It does not appear that there was any pretence at that time that Kansas had been conquered, and that a legislature had been imposed on the people by violence. The contest was confined to the seven disputed districts, both parties admitting and conceding that the elections and returns had been fairly and legally held and regularly made in the other eleven districts. The free soil members of the legislature contended that Governor Reeder had decided fairly and correctly when he awarded, on the 5th of April, certificates to the seventeen members whom he adjudged to have been duly elected, and set aside the returns and ordered new elections for the other nine representatives; and that the governor's decision was FINAL AND CONCLUSIVE in respect to the right of every member holding his certificate to RETAIN HIS SEAT.

The minority report of the committee on credentials in the legislature argued at length to prove that the legislature could not go behind the governor's certificate, and inquire into the fairness and legality of the election, or whether there had been a previous election, or any other matter or thing which would invalidate the right of the sitting member under the governor's certificate. When the House overruled this position, and vacated the seats of those members who claimed under the second election held on the 24th of May, four of them signed a protest against the decision, and had it spread on the journal. In that protest they did not pretend that the legislature was a spurious body, imposed on the people of Kansas by violence; they did not pretend that, outside of the seven disputed districts, any members had been elected by illegal votes; they did not question the fact that a large majority of the members in each house had been fairly elected by lawful votes. The only point they made was, that the certificate of the governor was conclusive evidence of their right to their seats, and that, for that reason, the legislature had no authority to turn them out! Like the governor, they had never heard that Kansas had been conquered, that terror reigned, that the inhabitants were scattered and discouraged, and that the people were so much alarmed that they dare not tell the sad tale of their wrongs! Although, according to the speech of my colleague and the minority report, these wild and terrific scenes had prevailed in every portion of the Territory for more than three long months, and although consternation and alarm filled every breast and silenced every tongue, all the free-soil members of the legislature, together with the governor, remained wholly "uninformed in relation thereto," not dreaming of the crimes that had been perpetrated and the wrongs that had been endured until several days after they were all turned out of office!

No sooner were their offices gone than they were aroused from their fatal lethargy and false security. Floods of light poured in upon their unconscious minds; their

eyes were opened, and their hearts swelled with patriotic indignation, when, for the first time, they discovered that four months previous "Kansas had been conquered?" that "a legislature had been forced upon the people by violence;" that the "inhabitants were scattered and discouraged," and so thoroughly subdued that they dare not assert their rights or proclaim their wrongs! The time had now arrived for brave men, with strong arms and stout hearts, and patriotic purposes, to step forward and rescue their beloved Territory from the oppressors grasp! Hence notices were promptly printed and scattered in every direction, over the signature of "Many Voters," calling upon the people to assemble in mass meeting at the city of Lawrence, on the 14th of August, to take into consideration their perilous and oppressed condition! This was the first movement in that series of acts which resulted in the attempt to put in operation a State government in hostility to the Territorial government established by Congress, and in defiance of the federal authorities! Upon this point the minority report discourses as follows:

"The people of Kansas, thus invaded, subdued, oppressed, and insulted, seeing their territorial government (such only in form) perverted into an engine to crush them in the dust, and to defeat and destroy the professed object of their organic law, by depriving them of the 'perfect freedom' therein provided; and finding no ground to hope for rights in that organization, they proceeded, under the guarantee of the United States constitution, 'peaceably to assemble to petition the government for the redress of (their) grievances.' They saw no earthly source of relief but in the formation of a State government by the people, and the acceptance and ratification thereof by Congress."

Now, is it true that they assembled under that clause of the constitution which authorizes citizens peaceably to assemble and petition the government for redress of grievances? Is it true that they ever professed to assemble for any such purpose? Is any such purpose expressed in any resolution, address, proclamation, or any other publication emanating from any of their meetings and conventions? cannot be found in the proceedings of the Lawrence meeting, nor of the Big Springs convention, nor of the first convention at Topeka, nor of the second convention at Topeka which formed their constitution, nor anywhere else except in the minority report of the Committee on Territories. I will explain to the Senate when and where this idea originated of justifying the revolutionary movements in Kansas under that clause of the constitution of the United States which secures to the people the right "peaceably to assemble to petition the government for redress of grievances." The Committee on Territories, in investigating this subject, had occasion to look into the opinion of Mr. Attorney General B. F. Butler in the Arkansas case, in which it was held that, while the inhabitants of a Territory had no right to take any step or do any act designed or calculated to subvert or supersede the existing territorial government, without the previous assent and authority of Congress, yet they might, under that clause of the constitution relating to the "redress of grievances," peaceably assemble and sign a petition, and accompany it with a written constitution, as a part of their petition for authority to form a State government: "Provided, always, that such measures be commenced and prosecuted in a peaceable manner, in strict subordination to the existing territopial GOVERNMENT, and in entire subserviency to the power of Congress to adopt, reject, or disregard them, at their pleasure." The fertile genius of the author of the minority report discovered that a plausible excuse for the revolutionists in Kansas could be derived from one portion of this opinion of Attorney General Butler, by making them assume the loyal devotion of humble petitioners for the redress of grievances, while concealing the fact that the whole movement has been prosecuted thus far in open defiance of the authority of Congress, for the avowed purpose of subverting the existing territorial government. Whether the daring and defiant revolutionists of Kausas will consent to be thus transformed by the single stroke of the pen into humble and suppliant petitioners remains to be seen. They will doubtless be amused as well as surprised when they shall learn from the minority report that they assembled only for the purpose of petitioning for the redress of

grievances, and that all their proceedings were conditional upon "the acceptance and ratification thereof by Congress." Let us look into their proceedings and see whether this is a fair or veritable statement of their scope and design. Their first meeting was held at Lawrence on the 14th of August, at which a preamble and resolution were adopted, calling a convention at Topeka on the 19th of September. The preamble was in these words:

"Whereas the people of Kansas Territory have been since its settlement, and now are, without any law-making power," &c.

Thus it appears that they started with the assumption that the people of Kansas were then "without any law-making power," notwithstanding the territoria legislature established by Congress was actually in session making laws on that very day. We next find them assembled in convention at Big Springs, on the 5th and 6th of. September, when Governor Reeder was nominated for Congress, and resolutions were adopted repudiating the validity and authority of the territorial government.

In the following resolution they approve of the proceedings of the Lawrence meeting, for the reason that they repudiate the acts and authority of the territorial

government established by Congress:

*Resolved. That this convention, in view of its recent repudiation of the acts of the so-called Kansas legislative assembly. respond most heartily to the call made by the people's convention of the 14th ultimo for a delegate convention of the people of Kansas, to be held at Topeka on the 19th instant, to consider the propriety of the formation of a State constitution, and such matters as may legitimately come before it.

Does this look like peaceably assembling to petition government for the redress of grievances? What humble petitioners! Approve and endorse the Lawrence meeting of the 14th for the reason that it repudiated the action and authority of the government which Congress had established for the Territory! The Lawrence meeting was local, being composed of the inhabitants of the town and immediate vicinity. The Big Springs meeting was a convention composed of delegates from every portion of the Territory. Thus, the movement became general, and reached every county and district in the Territory.

But let us pursue the inquiry whether this movement did proceed upon the idea, and keep within the rule laid down by Attorney General Butler in regard to petitioning for redress of grievances, "in strict subordination to the existing territorial."

government."

Here is another resolution adopted by the Big Springs convention:

"Resolved, That we owe no allegiance or obedience to the tyrannical enactments of this spurious legislature; that their laws have no validity or binding force upon the people of Kansas; and that every freeman among us is at full liberty, consistently with his obligations as a citizen and a man, to defy and resist them if he choose so to do."

This is the first allegation I have been able to find that the legislature was a "spurious assemblage!" "Owe no allegiance!"—no "obedience to the tyrannical enactments!" The "laws have no validity!"—no "binding force on the people of Kansas!" Every freeman at liberty "to defy and resist them!" Is this what is meant by the sacred right of petition? Is this what the minority report means when it asserts the right of the people "peaceably to assemble and petition the government for the redress of grievances!"

The next resolution points out the mode in which these humble petitioners pro-

pose to redress their grievances. It is in these words:

"Resolved. That we will endure and submit to these laws no longer than the best interests of the Territory require, as the least of two evils, and will resist them to a bloody issue as soon as we ascertain that peaceable remedies shall fails, and forcible resistance shall furnish any reasonable prospect of success; and that, in the mean time, we recommend to our friends throughout the Territory, the organization and decipline of volunteer companies, and the procurement and preparation of arms."

They will submit only until "peaceable remedies shall fail!" What are these peaceable remedies! Fortunately we are not left to conjecture to ascertain. They are clearly defined by Governor Reeder, in a speech before the same convention which passed these resolutions, to be "an appeal to the courts, to the ballot-box, and to Congress." But suppose the courts sustain the validity of the laws, and the people sustain the legislature, and Congress refuses to overrule the people, what then! Governor Reeder has anticipated all these contingences in the same speech, and clearly indicated the course to be pursued in that event. I will let him speak in his own forcible language. He says:

"But if, at last, all these should fail—if, in the proper tribunals, there is no hope for our destrepting the state of the proper tribunals, outraged and profance—if we are still to suffer, that corrupt men may reap harvests watered by our tears—then there is one more chance for justice. God has provided, in the eternal frame of things, redress for every wrong; and there remains to us still the steady eye and the strong arm, and we must conquer, or mingle the bodies of the oppressors with those of the oppressor would which the Declaration of Independence no longer protects."

Is this what the minority report calls " peaceably assembling to petition government for redress of grievances?" Does this sustain the declaration in the minority report that their action was all conditional, dependent upon "the acceptance and ratification by Congress?" The whole argument of the minority report for the vindication of these revolutionary movements in Kansas rests solely upon these two propositions, which are directly and undeniably contradicted by the whole current of their proceedings. It was in the event that redress could not be had "IN THE PROPER TRIBUNALS" that Governor Reeder proposed to have recourse to "the steady eye and the strong arm," and "to mingle the bodies of the oppressors with those of the oppressed upon the soil which the Declaration of Independence no longer protects !" It was in the same event, and dependent upon the same contingences, that the convention at Big Springs, professing to represent every county in the Territory, resolved that they would "RESIST THEM [THE LAWS] TO A BLOODY ISSUE!!" But having no faith in the legality of their own proceedings, and consequently no hope of success "in the proper tribunals," they advised their friends not to wait for the decision, but "in the meantime" to organize and decipline military companies, and to provide arms and munitions of war! Does the minority report refer to the organization and decipline of these volunteer companies, and to their "procurement and preparation of arms," when it speaks of their having assembled peaceably to petition for redress of grievances ?

In view of these facts, I submit the question to the Senate and the country, with what show of fairness or truth does the minority report pretend that these proceedings in Kansas were had under that clause of the constitution which secures to the people the right, "peaceably to assemble and petition government for redress of grievances," and that they were all conditional, dependent upon "their acceptance and ratification by Congress?" It must not be said that these facts were not known to the minority when the report was prepared. There were several pamiphlet copies of these proceedings before the committee for more than three weeks before the reports were made, and at least one of them in the hands of the author of the minority report during all that time. The facts are all set forth in the majority report, and were read in open committee as a part of the report, in the presence of the author of the minority report, two days before either report was submitted to the Senate. Hence charity and courtesy require us to assume that the author of the minority report did not deem these facts material, and for that reason suppressed them, and, in consequence of their suppression, he was enabled to arrive at conclusions directly the reverse of those to which he would have been irresistibly driven if

he had not suppressed them.

In pursuance of the recommendation of these two conventions, the first at Lawrence, on the 14th of August, and the second at Big Springs, on the 5th and 6th of September, a Territorial convention was held at Topeka on the 19th of September, which provided for the election of delegates to another convention, to be held at the same place on the fourth Tuesday of October, to form a constitution and State government. At an early stage of the proceedings of the constitutional State government. At an early stage of the proceedings of the constitutional convention, a Mr. Smith offered a resolution instructing the various committees to frame their work with reference to an immediate organization of a State government. This resolution put in issue the direct question whether their constitution and other proceedings should be conditional and dependent upon their acceptance and ratification by Congress, or whether they should be absolute and independent of Congress? This proposition led to an elaborate discussion, and was at length adopted, and in substance incorporated into one of the articles of the constitution. A synopsis of this debate on both sides is set out in the majority report, from which it is apparent that the proposition was understood and decided then precisely as I state it now. Mr. Delahay, who has since been elected a member of Congress under that constitution, made an elaborate speech against the proposition, upon the ground that it was avowedly an "act of rebellion." On the other hand, it was justified and defended as standing upon the same footing with the Declaration of Independence, with the distinct avowals on the part of its advocates that they would not wait a day for the action of Congress.

No man can read that debate and doubt that it was their fixed purpose to put a Siarie government in operation in conflict with the existing Territorial government, and in defiance of the authority of Congress. The idea of acting in subordination to the constituted authorities was scouted. The party which wished to remain loyal to the existing government, until superseded by lawful means, was defeated, and the revolutionists carried everything their own way. The constitution was adopted; the election for State officers and legislature has taken place, and the government put in operation on the 4th of this month, without the consent of Congress, and in

defiance of the constituted authorities in the Territory.

These facts are all set forth in the majority report—while the minority report passes over in silence the debates and proceedings of the convention which formed the constitution at Topeka, and the Big Springs convention, and all other acts which give the real character to the movement—and show it to be a case of open and undisguised rebellion. The minority does not question, much less disprove, the truth of any fact stated in the majority report, nor does it produce any new or additional evidence which would qualify or change the character of the revolutionary movement as presented in the majority report. The distinguishing feature of the minority report is, that it suppresses a large portion of the material facts, and, in consequence of that omission, is enabled to arrive at conclusions which would have been utterly impossible had all the facts been truly and fairly presented. While the minority report distinctly states that the whole movement in Kansas was nothing more than "peaceably to assemble and petition government for the redress of grievances," and that their action was conditional upon "the acceptance and ratification by Congress," there are some passages which betray doubts of the correctness of this position. For instance:

"Whatever views individuals may at times, or in meetings, have expressed, and whatever ultimate determination may have been entertained in the result of being spurned by Congress and refused redress, is now entirely immaterial. That cannot condemn or give character to

the proceedings thus far pursued."

"Immaterial" as to the object of the assembly! Why, sir, its character depends on its object—the motive and the ultimate design give character to the transaction. "It it immaterial whether they assembled peaceably to petition for redress of grievances or to organize and mature a plan of rebellion against the United States? Is it immaterial whether the plan contemplated submission or resistance to the authority of Congress in case of an adverse decision upon their application for admission into the Union? The mere statement that "whatever ultimate determination may have been entertained in the event of being spurned by Congress and refused redress is now entirely immaterial" betrays a consciousness that there was an "ultimate determination" inconsistent with their loyalty

to the constitution and laws of the land. Why not state all the facts from which that "ultimate determination" clearly appears, instead of concealing it, by suppressing the material facts which gave character to "the movement?"

Again:

"Thus far this effort of the people for redress is peaceful, constitutional, and right. Whether it will succeed rests with Congress to determine; but clear it is that it should not be met and denounced as revolutionary, rebellious, insurrectionary, or unlawful, nor does it call for, or justify the exercise of, any force by any department of this government to check or control it."

A movement should not be called "revolutionary" when its origin, progress, and aim consist in nothing but revolution! It should not be called "rebellious" when its anthors, in an event certain to happen, arowed their "ultimate determination" to be rebellion! It should not be called "insurrectionary" when its first act, and each successive act, proclaimed violent resistance to the laws of the Territory, even to "a bloody issue!" It should not be called "unlawful" when its avowed object was to overthrow by force the whole system of laws under which they lived! Neither the government nor any department of it should use any force to "check or control" this revolutionary movement, even when the supremacy of the laws could be maintained in no other way! Such are the conclusions of the minority report!

In reply to all of this, I have only to say that the majority of the committee are of the opinion that things should be called by their right names—that revolution should be checked—that rebellion should be put down—that insurrection should be suppressed—and that the government should use with firm hand and steady nerve whatever force may be necessary to maintain the supremacy of the laws against all organized resistance, from whatever quarter it may come.

In this connexion it is worthy of remark that the particular acts of the legislature which have been forcibly resisted, and for the violation of which the prisoners have been rescued from the officers, are not the same laws that are represented as being barbarous and oppressive. Of the vast number of enactments affecting almost every relation in life, and filling a volume of nearly one thousand pages, only two are complained of as being unjust and oppressive. These are the statutes

All of the others, so far as we have been informed, are entirely unobjectionable,

in regard to elections and slaves.

and well adapted to the promotion and protection of the best interests of society. The disturbances which have arisen in Kansas have no connexion with these two obnoxious laws. No prosecutions have been had under them; no complaints have been made of their violation; and hence no attempts have been made to enforce them. The outrages complained of are murder and arson, and breaches of the peace. Persons charged with these various crimes have been violently rescued from the custody of the officers of the law, by armed mobs, upon the pretext that the acts of the legislature providing for the punishment of persons guilty of these crimes against life, and property, and society, are invalid, and consequently the offenders are entitled to go free. I repeat, that in every instance where a collision has taken place between the officers of the law and the mob which rescued the prisoners, it was a case arising under the law against murder, or house-burning, or a breach of the peace! In no one instance has the violence grown out of a case under the election law, or the slavery law! And yet the moment the sheriff arrests a person on the charge of murder, or robbery, or arson, or breach of the peace, and a mob armed with Sharpe's rifles rescues the prisoner, and the sheriff summons a posse of good citizens to enforce the law, the action of the mob is justified upon the ground that the same legislature which passed the laws for the punishment of those crimes also passed two other laws upon the subject of elections and slavery, which the mob did not like, and their friends here think ought to be declared null and void. Should the whole frame-work of society be destroyed and blotted out merely because it may contain a small portion of material which is not

entirely sound and acceptable? Marriages have been solemnized, children have been born, deaths have occurred, estates have been distributed, contracts have been made, and rights have accrued, under the system of laws which the Kansas legislature have enacted, which it is not competent for Congress to divest and annul. Are you prepared to disturb and destroy all the social, domestic, and pecuniary relations and interests of the whole people of Kansas, merely because you do not like two acts of their legislature, which have remained a dead letter upon the statute book, if, indeed, they bear the construction which you seek to place upon them in order to render them odious? For what purpose, and to what end, are all these calamities to be inflicted upon the people of Kansas? Is it necessary that the whole body of white people shall suffer in order that the interests of the negro may be advanced? How do you expect to promote the interests of the negro by annulling the whole system of laws enacted by the legislature of the Territory ? The constitution which your friends have formed at Topeka, under which the State government has recently been organized, and with which the senator from New York [Mr. SEWARD] proposes to admit the State into the Union, forbids the negro forever to enter the State! You profess to be the especial friends of the negro; your consciences are greatly disturbed lest he will not be well treated in Kansas; and at the same time you are in favor of a proposition which denies to him forever the right to enter, live, or breathe, in the proposed State of Kansas! If the negro be free, you will not let him come! If he be a slave, you will not let him stay! And yet you are so much aggrieved at his sad condition that you are willing to blot out and destroy the whole system of laws for the protection of white folks on account of the injustice which you fear will be done to the poor negro!

Mr. President, there are a few other points which I wish to discuss briefly, if my

voice and strength will permit me to continue.

Mr. BUTLER. If the senator will give way I will move an adjournment.

Mr. DOUGLAS. I am grateful to the senator for his kind proposition; but my health is such that I fear I would not be able to speak to-morrow, after the exhaustion of to-day, if I should avail myself of his courtesy. I prefer, therefore, to finish

now what I have to say, if possible.

It has been my unpleasant duty thus far to trace the points of difference and conflict between the two reports, and the conclusions to which they lead. I now approach a material point, and invite the especial attention of the Senate and country to it, in which the majority and minority reports agree-I ALLUDE TO THE CAUSES WHICH HAVE PRODUCED ALL OF THESE UNFORTUNATE DIFFICULTIES IN KANSAS. We agree in ascribing them to the same general causes, although we differ widely in regard to the remedies proper to be applied. We agree that they were the natural and legitimate results of two rival and hostile systems of emigration, organized in and prosecuted from the opposite and extreme sections of the Union for the purpose of controlling the domestic institutions of the Territory-the one having for its paramount object the prohibition, and the other the protection, of the institution of slavery in Kansas. The proposition is thus stated in the majority report:

"Combinations in one section of the Union to stimulate an unnatural and false system of emigration, with the view of controlling the elections, and forcing the domestic institutions of the Territory to assimilate to those of the non-slaveholding States, were followed, as it might have been foreseen, by the use of similar means in the slaveholding States, to produce directly the opposite result. To these causes, and to these alone, in the opinion of your committee, may be traced the origin and progress of all the controversies and disturbances with which Kansas is now convulsed.

"If these unfortunate troubles have resulted as natural consequences from unauthorized and improper schemes of foreign interference with the internal affairs and domestic concerns of the Territory, it is apparent that the remedy must be sought in a strict adherence to the principles, and rigid enforcement of the provisions, of the organic law."

The minority report, after justifying and applauding the movements and operations of the Massachusetts and New England emigrant aid societies, by sending emigrants to Kansas for the purpose of controlling the elections and prohibiting slavery as a "lawful and laudable" experiment, and after commending and applauding in like manner the counter movement in Missouri and the other slaveholding. States as "a highly praiseworthy and commendable" effort, speaks thus of the consequences of the experiment of arraying the whole inhabitants of the Territory into two opposing and hostile parties, each struggling to defeat the other in the accomplishment of the object which brought them there:

"It now becomes necessary to inquire what has in fact taken place. If violence has taken place as the natural, and perhaps unavoidable, consequence of the nature of the experiment, bringing into dangerous contact and collision inflamable elements, it was the voice of a mistaken law and immediate measures should be taken by Congress to correct such law. If force and violence have been substituted for peaceful measures there, legal provisions should be made and executed to correct all the wrong such violence has produced, and to prevent their recurrence, and thus secure a fair fulfilment of the experiment by peaceful means, as orginally professed and presented in the law."

Mr. COLLAMER. That word "experiment" I have used throughout as referring to the experiment of the law.

Mr. DOUGLAS. I will show what it means. I will show that the word "experiment" is used to designate the operations of the emigrant aid societies of Massachusetts and New England, and the counter movement which these emigrant aid societies drew after them by way of antagonism in the slaveholding States. I will now read other passages to show that I have stated the position of the minority fairly:

"This subject, then, which Congress has been unable to settle in any such way as the slave States will sustain, is now turned over to those who have or shall become inhabitants of Kansas to arrange; and all men are invited to participate in the experiment, regardless of their character, political or religious views, or place of nativity."

What experiment? That of settling the slavery question by "those who have or shall become inhabitants of Kansas." In order to lay the foundation for justifying the New England emigrant aid societies for their participation in this experiment of foreign interference with the domestic affairs of a distant Territory, the minority report proceeds to justify all that has been done by Missouri and the other slaveholding States to counteract the efforts and defeat the designs of the New England aid societies, and to send persons there for the purpose of controlling the election, and making Kansas a slaveholding State.

The minority report proceeds as follows:

"Now, what is the right and the duty of the people of this country in relation to this matter? Is it not the right of all who believe in the blessings of slaveholding, and regard it as the best condition of society, either to go to Kansas as inhabitumts, and by their votes to help settle this good condition of that Territory; or if they cannot so go and settle, is it not their butty, by all lawful means in their power, to promote this object by inducing others like-minded to go? This right becomes a duty to all who follow their convictions. All who regard an establishment of slavery in Kansas as best for that Territory, or as necessary to their own safety by the political weight it gives in the national government, should use all lawful means to secure that result; and, clearly, the inducing men to go there to become permanent inhabitants and voters, and to vote as often as the elections occur in favor of the establishment of slavery, and thus control the elections, and preserve it a slave State forever, is neither unlawful nor consurable. It is and would be highly praiseworthy and commendable, because it is using lawful means to carry forward honest convictions of public good. All lawfully associated efforts to that end is equally commendable. Nor will the application of approbrious epithets, and calling if propagandism, change its moral or legal character, from whatever quarter or source, official or otherwise, such epithets may come. Netter should they deter any man from peaceably performing his duty by following his honest convictions."

Having said thus much in behalf of the "right" and "duty" of the Missourians to go into Kansas and control the elections for such a "highly praiseworthy and commendable" object as "the establishment of slavery" in the Territory, the minority report proceeds in this wise to show that it was equally "praiseworthy and commendable" for the New England emigrant aid societies to send men there to "control the elections and prohibit slavery:"

"On the other hand, all those who have seen and realized the blessings of universal liberty and believe that it can only be secured and promoted by the prohibition of domestic slavery.

and that the elevation of honest industry can never succeed where servitude makes labor degrading, should, as in duty bound, put forth all reasonable exertions to advance this great object by lawful means, whenever permitted by laws of their country. When, therefore, Kansas was presented by law, as an open field for this experiment, and all were invited to enter, it became the right and duty of all such as desired to go there as inhabitants for the purpose, by their numbers and by their votes lawfully cast, from time to time, to carry or control, in a legal way, the election there for this object. This could only be lawfully effected by permanent residence, and continued and repeated effort, during the continuance of the territorial government, and permanently remaining there to form and preserve a free-State constitution. All those who entertained the same sentiments, but were not disposed themselves to go, had the right and duty to use all lawful means to encourage and promote the object. If the part-pose could be best effected by united efforts, by voluntary associations or corporations, or by State assistance, as proposed in some southern States, it was all equally lawful and laudable. This was not the officious intermeddling with the internal affairs of another nation or State, or the territory of another people."

In these two extracts we have the position of the minority report clearly defined. First, it was the "right" and "duty" of the slaveholding States to send men to Kansus to acquire the right to vote, and thus control the elections and establish slavery in the Territory; and "if the purpose could be best effected by united efforts, by voluntary associations, or corporations, or State assistance, it was all equally lawful and laudable."

Second, it was the "right" and "duty" of the non-slaveholding States to use the same means to send men into Kansas for the purpose of becoming voters and con-

trolling the elections and prohibiting slavery.

Third, that each of these movements on the part of the two sections of the Union was "equally lawful and laudable"—was "highly praiseworthy and commendable"—each that "neither was unlawful nor censurable," although "the NATURAL, AND PERHAPS UNAVOIDABLE, CONSEQUENCE OF THE NATURE OF THE EXPERIMENT WAS TO PRODUCE VIOLENCE" BY "BEINGING INTO DANGEROUS CONTACT AND COLLISION INFLANMABLE ELEMENTS!"

Thus it appears that this line of policy is adopted and defended as a "praise-worthy and commendable" rule of action, on the supposition that its natural, if not unavoidable, consequence is to produce violence. Is this the policy of the anti-Nebraka men? Is this the ground upon which my colleague [Mr. Tarumtu.] pronounces the minority report a "masterly" production? Was it in view of this position that the senator from Massachusetts [Mr. Scharzel] returned thanks to its author for such an admirable document, and that the senator from New York [Mr. Scharzel] returned thanks to its author for both upon himself the obligation to make good all its positions? Is it true that the author of the minority report is prepared to defend a line of policy which, according to his own acknowledgment, leads naturally, and perhaps unavoidably, to violence?

Mr. COLLAMER. I did not say so.

Mr. DOUGLAS. I have shown that the language used is susceptible of no other construction. The report defends the "right" and asserts the "duty" of the slave-holding States to attempt to control the elections and establish slavery in Kansas. It also defends the "right" and asserts the "duty" of the free States to attempt to control the elections and prohibit slavery in the same Territory, and then says:

"If violence has taken place as the natural, and perhaps unavoidable, consequence of the nature of the experiment, bringing into dangerous contact and collision inflammable elements, it was the vice of a mistaken law, and immediate measures should be taken by Congress to correct such law."

Here is a distinct acknowledgment that vio'ence was the natural, if not unavoidable, consequence of that line of policy marked out and pursued by the New England emigrant aid societies, and the counter movements in the southern States, which those societies brought into existence by way of antagonism! The fact is admitted, coupled with an excuse which explains the political designs of the whole movement. If violence results from the action of the emigrant aid societies, the fault is to be charged on the Nebraska act, as "the vice of a mistaken law." What

"vice" was there in the Nebraska act? The minority report answers the question It turned over the decision of the slavery question to the inhabitants of Kansas. It contained the principle of self-government in obedience to the constitution. It left the people free to form and regulate their domestic institutions in their own way. This was all the vice of a mistaken law! It banished the question of slavery agitation from the halls of Congress, and turned it over to the people who were immediately interested in, responsible for, and had a right to control, the decision of the question. If that great principle of self-government which the minority report calls "the vice of a mistaken law" had been permitted to have fair play in Kansas, as it did in Nebraska, there would have been no more trouble or violence in the one than in the other. In Nebraska, to which the emigrant aid societies did not extend their operations, and where emigration and settlement were left to flow in their natural channels, nothing has occurred to disturb the peace and quiet of the Territory There this "vice of a mistaken law" produced peace and harmony, instead of violence and conflict, as its natural, and perhaps unavoidable, consequence. In Nebraska, where the principle of self-government was permitted to have fair play under the provisions of the same "mistaken law," but where "the experiment of bringing into dangerous contact and collision inflammable elements," the natural, and perhaps unavoidable, consequence of which was violence, was not deemed "highly praiseworthy and commendable"—where it was not considered a "right" and a "duty" of the States in the two extreme sections of the Union to attempt to control the political destinies of a distant Territory, and with that view to array all the inhabitants into two great hostile parties, and force peaceable men into the ranks of the one or the other for protection-where foreign interference has vielded to the principle of non-intervention -the Kansas-Nebraska act has worked out its own vindication. It has shown, that while violence is the natural, and perhaps unavoidable, result of "the experiment" attempted by the emigrant aid societies to control the political destinies of the Territory by foreign interference and a spurious system of emigration, no such consequences do flow from the operation of the principle of self-government, when, in the language of the Nebraska act, the "people are left PERFECTLY FREE to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States!" Since, then, the "experiment" of foreign interference, by the confession of the minority report, has produced violence and bloodshed as its natural, and perhaps unavoidable, result, should not the remedy be sought in the abandonment of the experiment which caused the mischief, in rebuking and restraining foreign interference, and false and fraudulent schemes for controlling the elections by nonresidents, and maintaining firmly and impartially the true principles of non-intervention, by giving fair play to the great principts of self-government, in obedience to the constitution, as provided in the organic law of the Territory?

This brings us to the direct and distinct issue between the majority and minority reports-between the supporters and the opponents of the principles involved in the Kansas Nebraska act. The one affirms the principles of non-intervention from without, and self-government within, the Territories, in strict obedience to the constitution of the United States; while the other insists that the domestic affairs and internal concerns of the Territories may be controlled by associations and corporations from abroad, under the authority of the legislatures of the several States, or of Congress, as they may be able to gain the political ascendency over the one or the other. In the prosecution of this line of policy, the opponents of the principles involved in the Kansas-Nebraska act, having failed to accomplish their purposes in the halls of Congress and under the forms of the constitution, immediately organized themselves into an emigrant aid association in this city, and through their friends and co-laborers obtained ac's of incorporation from the legislature of Massachusetts, with a capital of five millions of dollars in one instance, and one million of dollars in another, to enable them there to accomplish indirectly what they had found themselves unable to do by the action of Congress. With them it was a

great point gained, if, by an organized system of foreign interference, under color of a legislative enactment, they could draw after it a counter movement in conflict with it, and thus produce violence and bloodshed as "the natural, and perhaps unavoidable, consequence of the experiment," and charge the odium of the whole upon the Nebraska bill and its supporters, as a fulfilment of the predictions which they had made and were resolved should be realized as political capital in the approaching presidential election. They have succeeded by this system of foreign interference in producing violence, and bloodshed, and rebellion in Kansas; and it now only remains to be seen whether the minority report shall be equally successful in convincing the people that "the natural, and perhaps unavoidable, consequences" of their own action are justly chargeable to "the vice of a mistaken law," the principles and provisions of which were intended to be outraged and brought into disrepute by these very proceedings. When the time shall arrive, and I trust it is near at hand, that the cardinal principles of self-government, non-intervention, and State equality, shall be recognised as irrevocable rules of action, binding on all good citizens who regard, and are willing to obey, the constitution as the supreme law of the land, there will be an end of the slavery controversy in Congress and between the different sections of the Union. The occupation of political agitators, whose hopes of position and promotion depend upon their capacity to disturb the peace of the country, will be gone. The controversy, if continued, will cease to be a national one-will dwindle into a mere local question, and will affect those only who, by their residence in the particular State or Territory, are interested in it, and have the exclusive right to control it. What right has any State or Territory of this Union to pass any law or do any act with the view of controlling or changing the domestic institutions of any other State or Territory? Do you not recognise an imperative obligation resting on the United States to observe entire and perfect neutrality towards all foreign States with which we are at peace, in respect to their domestic institutions and internal affairs? Has that obligation any higher source of authority than that spirit of comity which all civilized nations acknowledge to be binding on all friendly powers? Are not the different parts of this Union composed of friendly powers? Are they not all at peace with each other, and hence under an obligation to preserve a friendly forbearance and generous comity quite as sacred and imperative as that to which all foreign States, at peace with each other, acknowledge their obligation to yield implicit obedience? Have you not passed neutrality laws, and exerted the whole executive authority of the government, including the army and navy, to enforce them, in restraining our citizens from interfering with the internal affairs of foreign States and their Territories? Are not the different States and Territories of this Union under the same obligation towards each other? Indeed, does not the constitution of the United States impose an additional and higher obligation than it is possible for the laws of nations to enjoin on foreign States? How can we hope to preserve peace and fraternal feeling between the different portions of this Union unless we are willing to yield obedience to a principle so just in itself, so fair towards all, that no one can complain of its operation-a principle distinctly recognised by all civilized countries as a fundamental article in the law of nations, for the reason that the peace of the world could not be preserved for a single day without its observance?

But the agents and champions of the emigrant aid societies, failing in their attempts to vindicate these mischierous schemes of foreign interference, endeavor to palliate what cannot be justified on the plea that the slaveholding States have done the same thing for which they are arraigned! Even if this were true, it would be difficult to prove that two wrongs make a right. But this excuse cannot avail the Massachusetts Emigrant Aid Company. That company was chartered and organized after the Kansas-Nebraska bill passed the Senate, and in anticipation of its passage in the House. It preceded all counter-movements many months in point of time, and sent out several large bodies of emigrants before any steps were taken or opposing organizations were made to counteract the effects of its opera-

tions. The agents sent out in charge of the first bodies of emigrants in the summer of 1854 report to the company, and the report was published in pamphlet by the secretary of the company, and widely circulated, that the people of Missouri received them kindly, and welcomed their arrival as friends! The political designs and ultimate objects of the company were not openly avowed by them until their numbers increased to such an extent as to give them a controlling power in many settlements immediately on the Missouri border. Then all disguise was thrown aside and the purpose of the company openly avowed to abolitionize Kansas with the view of erecting a cordon of free States as a perpetual barrier against the fomation and admission of any more slave States. The violence of their language against domestic slavery anywhere and everywhere created apprehensions in the minds of the people of Missouri that they also meditated a relentless warfare upon the institution of slavery within the limits of that State as a part of their ultimate plan of operations. In this connexion I will notice a remark of my colleague, in which he represents me as saying in the majority report that the New England Emigrant Aid Company did intend to wage a relentless warfare on the institution of slavery within the limits of the State of Missouri, and then demands the proof to sustain the truth of the assertion. His mode of defending his friends who have linked their political fortunes with these emigrant aid societies is more ingenious than creditable. He cuts in two the sentence which he professes to quote entire. represents me as saying what I did not say, and then demands the proof to sustain the false issue which he has made for me. What the majority report did say on this point is as follows:

"When the emigrants sent out by the Massachusetts Emigrant Aid Company, and their affiliated societies, passed through the State of Missouti in large number, on their way to Kansas, the violence of their language, and the unmistakable indications of their determined hostility to the domestic institutions of that State, created apprehensions that the object of the company was to abolition because Kansas as a means of prosecuting a relentless warfare upon the institutions of slavery within the limits of Missouri. These apprehensions increased and spread with the progress of events, until they became the settled convictions of the people of that portion of the State most exposed to the danger by their proximity to the Kansas border. The natural consequence was, that immediate steps were taken by the people of the western counties of Missouri to stimulate, organize, and carry into effect a system of emigration similar to that of the Massachusetts Emigrant Aid Company, for the avowed purpose of counteracting the effects, and protecting themselves and their domestic institutions from the consequences, of that company's operations."

The report does not say that these aid societies intended to make war on slavery within the State of Missouri. I made no such charge. My statement was that the conduct of the emigrants "CREATED APPREHENSIONS that the object of the company was to abolitionize Kansas as a means of prosecuting a relentless warfare upon the institution of slavery within the limits of Missouri." Does my colleague take issue with this statement, as I made it, and as it reads in the report, and not as he chooses to make it for me ! Does he deny that the conduct of the emigrants produced such an "apprehension" in the minds of the people of Missouri, and that in the progress of events this "apprehension" became "a settled conviction," under which they acted when they took steps to organize a counter-movement and avert the consequences which might be expected to result from the emigrant aid societies' operations? I will now adduce the testimony to prove that such was the case, to the end that it may not be questioned hereafter. A convention of delegates from all portions of the State of Missouri was held at Lexington, in that State, in the month of July, 1855, to consider what measures were necessary to protect themselves and their domestic institutions from the machinations of the New England emigrant aid societies. At that meeting a preamble and resolutions were adopted, and a committee appointed to prepare and publish an address "to the people of the United States" expressive of the views of the people of Missouri touching the slavery question and Kansas difficulties:

"Whereas this convention have observed a deliberate and apparently systematic effort on the part of the several States of this Union to wage a war of extermination upon the institution of slavery as it exists under the constitution of the United States, and the several States, by legislative enactments annulling acts of Congress passed in pursuance of the constitution, and incorporating large moneyed associations to abditionite Kansas, and through Kansas operate upon the contiguous States of Missouri, Arkansas, and Texas; this convention, representing that portion of Missouri more immediately affected, by these movements, deen it proper to make known their opinions and purposes, and what they believe to be the opinions and purposes of the whole State, and to this end, have agreed to the following resolutions:

This preamble shows conclusively that the Missourians did labor under the impressions, and act under the apprehensions and convictions, stated in the majority report. The resolutions unanimously adopted by the same convention show with equal clearness that the people of Missouri were opposed to the whole scheme of foreign interference with the affairs of the Territory, and were in favor of leaving to the actual bona fide inhabitants of the Territory the right to decide the slavery question for themselves, unmolested by intrusions from any quarter; and that they only adopted the counter-movement to the New England emigrant aid societies in what they believed to be necessary self-defence. I will now read a portion of the resolutions:

"Resolved, That the incorporation of moneyed associations, under the patronage of sovereign States of this Union, for the avowed purpose of recruiting and colonizing large armies of sholltionists upon the Territory of Kansas, and for the avowed purpose of destroying the value and existence of slave property now in that Territory, in despite of the wishes of the bona fide independent settlers thereof, and for the purpose, equally plain and obvious, whether avowed or not, of ultimately abolishing slavery in Missouri, is a species of legislation and a mode of emigration unprecedented in our history, and is an attempt, by State legislation directly to thesatt the purposes of a constitutional and equitable enactment of Congress, by which THE DOMESTIC INSTITUTIONS OF THE TERRITORIES WELLE DESIGNED TO BE LEFF TO THE EXCLUSIVE MANAGEMENT AND CONTROL OF THE BOAM EDES SETTLESS THEREOF."

Ecolved, That we disclaim all right and any intent to interface with the bona fide independent settlers in the Territory of Kansas, from whatever quarter they may come, or whatever opinions they may entertain; but we maintain the right to protect ourselves and our property against all unjust and unconstitutional aggression, present or prospective, immediate or threatened; and we do not hold it necessary or expedient to wait until the torch is applied to our dwellings, or the knife to our throats, before we take measures for our security and the security of our freedies.

The address which accompanies the series of resolutions from which I have read these two is written with great clearness and ability, and in a spirit of conciliation and patriotic devotion to the constitution and the Union. I Had marked copious extracts which I intended to read to the Senate, but will refrain, except to a limited extent, for the want of time, and in consequence of the too great length to which my remarks have already been extended. It condemns in strong and a unequivocal terms the whole system of foreign interference with the internal concerns and domestic affairs of the Territory as "a scheme never before heard of or thought of in this country, the object and effect of which was to evade the principle of the Kansas-Nebraska bill, and, in lieu of non-intervention by Congress, to

It arraigns the Massachusetts Aid Company as "a scheme totally at variance with the genius of our government, both State and federal, and with the social institutions which these governments were designed to protect, and its success would have been as fatal to those who contrived it as it could have been to those intended to be its victims."

It alleges that "no slaveholding State has ever attempted to colonize a Territory," but has always left the public lands "to occupancy of such settlers as soil and climate invited." It argues that if Massachusetts, by her legislation, has a right to send an army of abolitionists into Kansas for the purpose of controlling its domestic institutions, she would have an equal right to send them into Missouri for a like purpose; that South Carolina would have the same right to send an army of slave, holders to Delaware or Iowa; that "there is no difference in principle between the cases supposed;" that "f justifiable and legal in the one, it is equally so in the other;" that "they differ only in point of practicability and expediency; "that "the one would be an outrage, easily perceived, promptly met, and speedily repelled;" that

the other is disguised under the forms of emigration, and meets with no populous and organized community to resent it. The address asserts that "what Missouri has done, and what she is still prepared to do, is in self-defence and for self-preservation; and from these duties she will hardly be expected to shrink."

In view of these considerations, and with the hope of preserving peace, and harmony, and fraternal feeling between all portions of our common country, this address appeals to the particism of the North to join with the South in putting down this permicious and mischievous foreign interference with the domestic concerns of a distant Territory, and to allow the bona fide inhabitants of Kansas to form and regulate their domestic institutions to suit themselves, in obedience to the fundamental principle of the Kansas Nebraska act. Upon this point it says:

"If ever there was a principle calculated to commend itself to all reasonable men, and reconcile all conflicting interests, this would seem to have been the one. It was the principle of popular sovereignty—the basis upon which our independence had been achieved—and it was therefore supposed to be justly dear to all Americans, of every latitude and every creed."

But why should I accumulate evidence on this point? I have already produced sufficient to convince any reasonable man that the people of Missouri never contemplated the invasion and conquest of the Territory of Kansas-that to whatever extent they imitated the example of the New England emigrant aid societies, it was done upon the principle of self-defence, and only for the purpose of counteracting what they believed to be the dangerous tendencies of the operations of these societies-that the Missourians have at all times been ready and willing to abandon their counter-movement so soon as those who forced upon them the necessity of such action should abandon their designs, and cease their efforts to shape and control the domestic institutions of Kansas by an unwarranted scheme of foreign interference. From these facts it is apparent that the whole responsibility of all the disturbances in Kansas rests upon the Massachusetts Emigrant Aid Company and its affiliated societies. The remedy for these evils must be found in the re moval of the causes and abandonment of the policy which produced them, and in faithfully and rigidly carrying into effect the provisions of the Kansas-Nebraska act, which guaranty to the people of that Territory the perfect right "to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States."

A word or two more on another point and I will close. My colleague has made assault on the President of the United States for his efforts to vindicate the supremacy of the laws, and put down insurrection and rebellion in the Territory of Kansas. In my opinion, the President of the United States is entitled to the thanks of the whole country for the promptness and energy with which he has met the crisis. It was his imperative cuty to maintain the supremacy of the laws, and see that they were faithfully executed. It was his duty to suppress rebellion and put down treason. My colleague says that it will be necessary to catch the traitor before the President can hang him. My opinion is, that, from the signs of the times, and in view of all that is passing aron: dus, as well as at a distance, there will be very little difficulty in arresting the traitors—and that, too, without going all the way to Kansas to find them! [Laughter.] This government has shown itself the most powerful of any on earth in all respects except one. It has shown itself equal to foreign war or to domestic defence—equal to any emergency that may arise in the exercise of its high functions in all things except the power to hang a traitor!

I trust in God that the time is not near at hand, and that it may never come, when it will be the imperative duty of those charged with the tai firdl execution of the laws to exercise that power. I trust that culner and wiser counsels will prevail, that passion may subside, and reason and loyalty return, before the overt act shall be committed. I ferrently hope that the occasion may never arise which shall render it necessary to test the power of the government and the framess of the executive in this respect; but if, unfortunately, that contingency shall happen,

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ON. S. A. DOUGLAS, OF ILLINOIS,

IN THE SENATE, JANUARY 30, 1854,

NEBRASKA TERRITORY.) - History

WASHINGTON:
PRINTED AT THE SENTINEL OFFICE.
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HON. S. A. DOUGLAS, OF ILLINOIS.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill to organize the Territory of Nebraska.

Crossell to

Mr. PoUGLAS. Mr. President, when I proposed, on Tuesday last, that the Senate should proceed to the consideration of the bill to organize the Territories of Nebraska and Kanasa, it was my purpose only to occupy ten or fifteen ninutes in explanation of its provisions. I desired to refer to two points; first to those provisions relating to the Indians, and second to those which might be supposed to bear upon the question of slavery.

The Committee, in drafting the bill, had in view the great anxiety which had been expressed by some members of the Senate to protect the rights of the Indians, and to prevent infringement upon them. By the provisions of the bill, I think we have so clearly succeeded, in that respect, as to obviate all possible objection upon that score. The bill itself provides that it shall not operate upon any of the rights or lands of the Indians, nor shall they be included within the limits of those territories, until they shall by treaty with the United States expressly consent to come under the operations of the act, and be incorporated within the limits of the territories. This provision certainly is broad enough, clear enough, explicit enough, to protect all the rights of the Indians as to their persons and their property.

Upon the other point, that pertaining to the quession of slavery in the territories, it was the intention
of the committee to be equally explicit. We took
the principles established by the compromise acts
1530 as our guide, and intended to make each
and every provision of the bill accord with those
rinciples. Those measures established and reythou the great principles of self-government, that
the people should be allowed to decide the questons of their domestic institutions for themselves,
tablect only to such limitations and restrictions as
the imposed by the Constitution of the United
states, instead of having them determined by an
failurary or geographical line.

The original bill, reported by the committee as a substitute for the bill introduced by the senator from Iowa, [Mr. Donge,] was believed to have accomplished this object. The amendment which was subsequently reported by us was only designed to render that clear and specific, which seemed, in the minds of some, to edmit of doubt and misconstruction. In some parts of the country the original substitute was deemed and construed to be an annulment or a repeal of what has been known as the Missouri compromise, while in other parts it was otherwise construed. As the object of the committee was to conform to the principles established by the compromise measures of 1850, and to carry those principles into effect in the territories, we thought it was better to recite in the bill precisely what we understood to have been accomplished by those measures. viz that the Missouri compromise, having been superseded by the legislation of 1850, has become and ought to be declared inoperative; and hence we propose to leave the question to the people of the States and the territories, subject only to the limitations and provisions of the Constitution.

Sir, this is all that I intended to say, if the ques tion had been taken up for consideration on Tues day last; but since that time occurrences have transpired which compel me to go more fully into the discussion. It will be borne in mind that the senator from Ohio [Mr. Chase] then objected to the consideration of the bill, and asked for its postponement until this day, on the ground that there had not been time to understand and consider its provisions; and the senator from Massachusetts [Mr. Sumner] suggested that the postponement should be for one week for that purpose. These suggestions seeming to be reasonable, in the opinions of senators around me, I yielded to their request, and consented to the postponement of the bill until this day.

Sir, little did I suppose, at the time that I granted that act of courtesy to those two senators, that they had drafted and published to the world a document, over their own signatures, in which they

arraigned me as having been guilty of a criminal betrayal of my trust, as having been guilty of an act of bad faith and been engaged in an atrocious plot against the cause of free government. Little did I suppose that those two senators had been guilty of such conduct, when they called upon me to grant that courtesy, to give them an opportunity of investigating the substitute reported, the committee. I have since discovered that on that very morning the National Era, the abolitlon organ in this city, contained an address, signed by certain abolition confederates, to the people, in which the bill is grossly misrepresented, in which the action of the committee is grossly perverted, in which our motives are arraigned and our characters calumniated. And, sir, what is more, I find that there was a postscript added to the address, published that very morning, in which the principal amendment reported by the committee was set out, and then coarse epithets applied to me by name. Sir, had I known those facts at the time I granted that act of indulgence, I should have responded to the request of those enators in such terms as their conduct deserved. so far as the rules of the Senate and a respect for my own character would have permitted me to do. In order to show the character of this document, of which I shall have much to say in the course of my argument, I will read certain passages:

"We arraign this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast un-occupied region emigrants from the Old World, and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves."

A SENATOR: By whom is the address signed? Mr. DOUGLAS: It is signed "S. P. Chase, senator from Ohio, Charles Sumner, senator from Massachusetts, J. R. Giddings and Edward Wade, representatives from Ohio, Gerrit Smith, representative from New York, Alexander De Witt, representative from Massachusetts;" including, as I understand, all the abolition party in Congress.

Then speaking of the Committee on Territories, these confederates use this language:

"The pretences, therefore, that the territory, covered by the positive prohibition of 1820, sustains a similar relation to slavery with that acquired from Mexico, covered by no prohibition except that of disputed constitutional or Mexinow, and that the compromises of 1850 require the in-corporation of the pro-davery clauses of the Unh and New Mexico bill in the Nebraska act, are mere inventions, de-agned to cover up from public reprehension meditated had faith."

"Mere inventions to cover up bad faith." Again:

"Service demagogues may tell you that the Union can be maintained only by submitting to the demands of

Then there is a postscript added, equally offensive to myself, in which I am mentioned by name. states the facts-

The address goes on to make an appeal to the legislatures of the different States, to public meet. ings, and to ministers of the Gospel in their pulpits, to interpose and arrest the vile proceeding which is about to be consummated by the senators who are thus denounced. That address, sir, bears date Sunday, January 22, 1854. Thus it appears' that, on the holy Sabbath, while other senators were engaged in divine worship, these abolition confederates were assembled in secret conclave plotting by what means they should deceive the people of the United States, and prostrate the character of brother senators. This was done on the Sabbath day, and by a set of politicians, to advance their own political and ambitious purposes, in the name of our holy religion.

But this is not all. It was understood from the newspapers that resolutions were pending before the legislature of Ohio proposing to express their opinions upon this subject. It was necessary for these confederates to get up some exposition of the question by which they might facilitate the passage of the resolutions through that legislature. Hence you find that, on the same morning that this document appears over the names of these coafederates in the abolition organ of this city, the same document appears in the New York papers -certainly in the Tribune, Times, and Evening Post-in which it is stated, by authority, that it is "signed by the senators and a majority of the representatives from the State of Ohio"- a statement which I have every reason to believe was utterly false, and known to be so at the time that these confederates appended it to the address. It was necessary, in order to carry out this work of deception, and to hasten the action of the Ohio legislature, under a misapprehension of the real facts, to state that it was signed, not only by the abo lition confederates, but by the whole whig representation, and a portion of the democratic representation in the other House from the State of Ohio.

Mr. CHASE. Mr. President-

Mr. DOUGLAS. Mr. President, I do not yield the floor. A senator who has violated all the rules of courtesy and propriety, who showed a consciousness of the character of the act he was doing by concealing from me all knowledge of the factwho came to me with a smiling face, and the appearance of friendship, even after that document had been uttered-who could get up in the Senate and appeal to my courtesy in order to get time to give the document a wider circulation before its infamy could be exposed; such a senator has no right to my courtesy upon this floor

Mr. CHASE. Mr. President, the senator mis-

Mr. DOUGLAS. Mr. President, I decline to yield the floor.

Mr. CHASE. And I shall make my denial pertinent when the time comes.

The PRESIDENT. Order.

Mr. DOUGLAS. Sir, if the senator does inierpose, in violation of the rules of the Senate, a
denial of the fact, it may be that I shall be able to
util that denial, as I shall the statements in this
address which are over his own signature, as a
wicked fabrication, and prove it by the solemn
egislation of this country.

Mr. CHASE. I call the Senator to order.

The PRESIDENT The Scnator from Illinois scertainly out of order.

Mr. DOUGLAS. Then I will only say that I shall confine myself to this document, and prove us statements to be false by the legislation of the country. Certainly that is in order.

Mr. CHASE. You cannot do it.

Mr. DOUGLAS. The argument of this manifesto is predicated upon the assumption that the policy of the fathers of the republic was to prohibit slavery in all the territory ceded by the old States to the Union, and made United States terriwry, for the purpose of being organized into new States. I take issue upon that statement. Such was not the practice in the early history of the government. It is true that in the territory northwest of the Ohio river slavery was prohibited by the ordinance of 1787; but it is also true that in the territory south of the Ohio river, slavery was permitted and protected; and it is also true that in the organization of the territory of Mississippi, in 1798, the provisions of the ordinance of 1787 were applied to it, with the exception of the sixth article, which prohibited slavery. Then, sir, you find upon the statute-books under Washington and the early Presidents, provisions of law showing that in the southwestern territories the right to hold slaves was clearly implied or recognised, while in the northwest territories it was prohibited. The only conclusion that can be fairly and honestly drawn from that legislation is, that it was the policy of the fathers of the republic to prescribe a line of demarkation between free territories and slaveholding territories by a natural or a geographical line, being sure to make that line correspond, as near as might be, to the laws of climate, of production, and all those other causes that would control the institution and make it either desitable or undesirable to the people inhabiting the espective territories.

son, I wish you to bear in mind, too, that this segraphical line, established by the founders of the republic between free territories and slave territories, extended as far westward as our territory then reached; the object being to avoid all agitation upon the slavery question by settling that question forever, as far as our territory extended, which was then to the Mississippi river.

When, in 1803, we acquired from France the territory known as Louisiana, it became necessary to legislate for the protection of the inhabitants residing therein. It will be seen, by looking into the bill establishing the territorial government in 1805 for the territory of New Orleans, embracing the same country now known as the State o Louisiana, that the ordinance of 1787 was ex pressly extended to that territory, excepting th sixth section, which prohibited slavery. act implied that the territory of New Orleans was to be a slaveholding territory by making tha exception in the law. But, sir, when they came to form what was then called the territory of Louisiana, subsequently known as the territory of Missouri, north of the thirty-third parallel, they used different language. They did not extend to it any of the provisions of the ordinance of 1787. They first provided that it should be governed by laws made by the governor and the judges, and, when in 1812 Congress gave to that territory, under the name of the territory of Missouri, a territorial government, the people were allowed to do as they pleased upon the subject of slavery, subject only to the limitations of the Constitution of the United States. Now what is the inference from that legislation? That slavery was, by implication, recognised south of the thirty-third parallel; and north of that the people were left to exercise their own judgment and do as they pleased upon the subject, without any implication for or against the existence of the institution. This continued to be the condition of the country

in the Missouri Territory up to 1820, when the celebrated act which is now called the Missouri compromise was passed. Slavery did not existed in, nor was it excluded from the country now known as Nebraska. There was no code of laws upon the subject of slavery either way: First, for the reason that slavery had never been introduced into Louisiana, and established by positive enactment. It had grown up there by a sort of common law, and been supported and protected. When a common law grows up, when an institution becomes established under a usage, it carries it so far as that usage actually goes, and no further. If it had been established by direct enactnient, it might have carried it so far as the political jurisdiction extended; but, be that as it may, by the act of 1812, creating the Territory of Missouri, that territory was allowed to legislate upon the subject of slavery as it saw proper, subject only to the limitations which I have stated

and the country not inhabited or thrown open to settlement was set apart as Indian country, and rendered subject to Indian laws. Hence, the local legislation of the State of Missouri did not reach into that Indian country, but was excluded from it by the Indian code and Indian laws. The municipal regulations of Missouri could not go there until the Indian title had been extinguished, and the country thrown open to settlement. Such being the case, the only legislation in existence in Nebraska Territory at the time that the Missouri act passed, namely, the 6th of March, 1820, was a provision, in effect, that the people should be allowed to do as they pleased upon the subject of slavery.

The Territory of Missouri having been left in that legal condition, positive opposition was made to the bill to organize a State government, with a view to its admission into the Union; and a senafor from my State, Mr. Jesse B. Thomas, introduced an amendment, known as the eighth section of the bill, in which it was provided that slavery should be prohibited, north of 36° 30' north latitude, in all that country which we had acquired from France. What was the object of the enactment of that eighth section? Was it not to go back to the original policy of prescribing boundaries to the limitation of free institutions, and of slave institutions, by a geographical line, in order to avoid all controversy in Congress upon the subect? Hence they extended that geographical ine through all the territory purchased from France, which was as far as our possessions then reached. It was not simply to settle the question on that piece of country, but it was to carry out a great principle, by extending that dividing line as far west as our territory went, and running it enward on each new acquisition of territory. True, the express enactment of the eighth section of the Missouri act, now called the Missouri compromise, only covered the territory acquired from France; but the principles of the act, the objects of its adoption, the reasons in its support, r equired that it should be extended indefinitely westward, so far as our territory might go, whenever new purchases should be made.

Thus stood the question up to 1845, when the oint resolution for the anexation of Texas passed. There was inserted in that joint resolution a provision, suggested in the first instance and brought before the House of Representatives by myself, extending the Missouri compromise line indefinitely westward through the territory of Texas. Why did I bring forward that proposition? Why did the Congress of the United States adopt it? Not because it was of he least practical importance, so far as the definitely westward to the Pacific ocean, in the

question of slavery within the limits of Texas was concerned; for no man ever dreamed that it had any practical effect there. Then why was it brought forward? It was for the purpose of preserving the principle, in order that it might be extended still further westward, even to the Pacific ocean, whenever we should acquire the country that far. I will here read that clause. It is the third article, second section, and is in these words .

"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the federal Constitu-And such States as may be formed out of that portion. tion of said territory lying south of 36 degrees 30 minutes north latitude, commonly known as the Missouri com-promise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admis-sion may desire. And, in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

It will be seen that it contains a very remarkable provision, which is, that when States lying north of 36° 30' apply for admission, slavery shall be prohibited in their constitutions. I presume no one pretends that Congress could have nower thus to fetter a State applying for admission into this Union; but it was necessary to preserve the principle of the Missouri compremise line, in order that it might afterwards be extended. and it was supposed that while Congress had no power to impose any such limitation, yet, as that was a compact with the State of Texas, that State could consent for herself that, when any portion of her own territory, subject to her own jurisdiction and control, applied for admission, her constitution should be in a particular form; but that provision would not be binding on the new State one day after it was admitted into the Union. The other provision was that such States as should lie south of 36° 30' should come into the Union with or without slavery as each should decide in its constitution. Then, by that act, the Missouri compromise was extended indefinitely westward, so far as the State of Texas went, that is, to the Rio del Norte; for our Government at the time recognised the Rio del Norte as its boundary. We recognised, in many ways, and among them by even paying Texas for it ten millions of dollars, in order that it might be included in and form a portion of the Territory of New Mexico.

Then, sir, in 1848, we acquired from Mexico the country between the Rio Del Norte and the Pacific ocean. Immediately after that acquisition the Senate, он my own motion, voted into a bill # provision to extend the Missouri compromise in with which it was originally adopted. That provision passed this body by a decided majority, I hink by ten at least, and went to the House of Representatives, and was defeated there by northern votes.

Now, sir, let us pause and consider for a moment. The first time that the principles of the Missouri compromise were ever abandoned, the first time they were ever rejected by Congress, was by the defeat of that provision in the House of Representativeswin 1848. By whom was that defeat effected? By northern votes with freesoil proclivities. It was the defeat of that Missouri compromise that reopened the slavery agitation with all its fury. It was the defeat of that Missouri compromise that created the tremendous struggle of 1850. It was the defeat of that Missouri compromise that created the necessity for making a new compromise in 1850. Had we been withful to the principles of the Missouri compromise in 1848, this question would not have arisen. Who was it that was faithless? I undertake to say it was the very men who now insist that the Missouri compromise was a solemn compact and should never be violated or departed from. Every man who is now assailing the prinsiple of the bill under consideration, so far as I m advised, was opposed to the Missouri compromise in 1848. The very men who now arraign me for a departure from the Missouri compromise at the men who successfully violated it, repudised it, and caused it to be superseded by the com-POMISC measures of 1850. Sir, it is with rather ad grace that the men who proved faithless themelves should charge upon me and others, who were ever faithful, the responsibilities and conseuences of their own treachery.

Then, sir, as I before remarked, the defeat of Missouri compromise in 1848 having created he necessity for the establishment of a new one 1850, let us see what that compromise was.

The leading feature of the compromise of 1850 as congressional non-intervention as to slavery the Territories; that the people of the Territos, and of all the States, were to be allowed to as they pleased upon the subject of slavery, abject only to the provisions of the Constitution the United States.

That, sir, was the leading feature of the comprose measures of 1850. Those measures, therere, abandoned the idea of a geographical line as

same sense and with the same understanding per. Now the question is, when that new compromise, resting upon that great fundamental principle of freedom, was established, was it not an abandonment of the old one-the geographical line? Was it not a supersedure of the old one within the very language of the substitute for the bill which is now under consideration? I say it did supersede it, because it applied its provisions as well to the north as to the south of 36° 30'. It established a principle which was equally applicable to the country north as well as south of the parallel of 36° 30'—a principle of universal application. The authors of this abolition manifesto attempted to refute this presumption, and maintain that the compromise of 1850 did not supersede that of 1820, by quoting the proviso to the first section of the act to establish the Texan boundary, and create the Territory of New Mexico. That proviso was added, by way of amendment, on motion of Mr. Mason, of Virginia.

I repeat, that in order to rebut the presumption, as I before stated, that the Missouri compromise was abandoned and superseded by the principles of the compromise of 1850, these confederates cite the following amendment, offered to the bill to establish the boundary of Texas and create the Territory of New Mexico in 1850.

"Provided. That nothing herein contained shall be con strued to impair or qualify anything contained in the third article of the second section of the joint resolution for an nexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the States of Texas or otherwis

After quoting this proviso, they make the following statement, and attempt to gain credit for its truth by suppressing material facts which appear upon the face of the same statute, and which, if produced, would conclusively disprove the state-

"It is solemnly declared in the very compromise acts, 'that nothing herein contained shall be construed to impair or qualify the prohibition of slavery north of thirty-six degrees thirty minutes,' and yet, in the face of this decla-ration, that secred prohibition is said to be overthrown. Can presumption further go?"

I will now proceed to show that presumption could not go further than is exhibited in this declaration.

They suppress the following material facts, which, if produced, would have disproved their statement. They first suppress the fact that the same section of the act cuts off from Texas, and cedes to the United States, all that part of Texas which lies north of 36° 30'. They then suppress the further fact that the same section of the law e boundary between free States and slave States; | cuts off from Texas a large tract of country on the andoned it because compelled to do it from an west, more than three degrees of longitude, and ability to maintain it; and in lieu of that, substi- adds it to the territory of the United States. They Hed a great principle of self-government, which then suppress the further fact that this territory ould allow the people to do as they thought pro- thus cut off from Texas, and to which the Missour

the territory of New Mexico. And then what was done? It was incorporated into that terri ory with this clause:

"That, when admitted as a State, the said territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may pre-scribe at the time of its adoption."

Yes, sir, the very bill and section from which they quote, cuts off all that part of Texas which was to be free by the Missouri compromise, together with some on the south side of the line; incorporates it into the territory of New Mexico; and then says that the territory, and every portion of the same, shall come into the Union with or without slavery, as it sees proper.

What else does it do? The sixth section of the same act provides that the legislative power and authority of this said Territory of New Mexico shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of the act, not excepting slavery. Thus the New Mexican bill, from which they make that quotation, contains the provision that New Mexico, including that part of Texas which was cut off, should come into the Union with or without slavery, as it saw proper; and in the mean time that the territorial legislature should have all the authority over the subject of slavery that they had over any other subject, restricted only by the limitation of the Constitution of the United States and the provisions of the act. Now, I ask those Senators, do not those provisions repeal the Missouri compromise, so far as it applied to the country cut off from Texas? Do they not annul it? Do they not supersede it? If they do, then the address which has been put forth to the world by these confederates is an atrocious falsehood. If they do not, then what do they mean when they charge me with having, in the substitute first reported from the committee, repealed it, with having annulled it, with having violated it, when I only copied those precise words? I copied the precise words into my bill, as reported from the committee, which were contained in the New Mexico bill. They say my bill annuls the Missouri compromise. If it does, it had already been done before by the act of 1850; for these words were copied from the act of 1850.

Mr. WADE. Why did you do it over again ? Mr. DOUGLAS. I will come to that point presently. I am now dealing with the truth and veracity of a combination of men who have assembled in secret caucus upon the Sabbath day to arraign my conduct and belie my motives. Isay, therefore, that proposition. Any other construction of it would their manifesto is a slander either way; for it says stultify the very character and purpose of its that the Missouri compromise was not superseded mover, the senator from Virginia. Such, then, was by the measures of 1850, and then it says that the not only the intent of the mover, but such is the

compromise line applied, was incorporated into same words in my bill do repeal and annul it. They must be adjudged guilty of one falsehood in order to sustain the other assertion.

Now, sir, I propose to go a little further, and show what was the real meaning of the amendment of the senator from Virginia, out of which these gentlemen have manufactured so much capital in the newspaper press, and have succeeded by that misrepresentation in procuring an expression of opinion from the State of Rhode of Island in opposition to this bill. I will state what its meaning is.

Did it mean that the States north of 36° 30° should have a clause in their constitutions prohibiting slavery? I have shown that it did not mean that, because the same act says that they might come in with slavery, if they saw proper. I say it could not mean that for another reason: The same section containing that proviso cut of all that part of Texas north of 36° 30', and hence there was nothing for it to operate upon. It did not, therefore, relate to the country cut off. What did it relate to? Why, it meant simply this: By the joint resolution of 1845, Texas was annexed. with the right to form four additional States out of her territory; and such States as were south of 26° 30' were to come in with or without slavery. as they saw proper; and in such State or States as were north of that line slavery should be prohibited. When we had cut off all north of 36° 30' and thus circumscribed the boundary and diminished the territory of Texas, the question arose, how many States will Texas be entitled to under this circumscribed boundary. Certainly not four it will be argued. Why? Because the original resolution of annexation provided that one of the States, if not more, should be north of 36° 30'. It would leave it, then, doubtful whether Texas was entitled to two or three additional States under the circumscribed boundary.

In order to put that matter to rest, in order to make a final settlement, in order to have it expli citly understood what was the meaning of Con gress, the senator from Virginia offered the amendment that nothing therein contained should impair that provision, either as to the numbe rof States of otherwise, that is, that Texas should be entitled to the same number of States with her reduced boundaries as she would have been entitled to under her larger boundaries; and those States shall come in with or without slavery, as they might prefer, being all south of 36° 30', and nothing to impair that right shall be inferred from the passage of the act. Such, sir, was the meaning of that

legal effect of the law; and I say that no man, after reading the other sections of the bill, those to which I have referred, can doubt that such was both the intent and the legal effect of that law.

Then I submit to the Senate if I have not conided this manifesto, issued by the abolition conidedrates, of being a gross falsification of the laws of the land, and by that falsification that an erroneous and injurious impression has been created upon the public mind. I am sorry to be compelled to indulge in language of severity; but there is no other language that is adequate to express the indignation with which I see this attempt, not only to mis-lead the public, but to malign my character by deliberate falsification of the public statutes and the public records.

In order to give greater plausibility to the falsification of the terms of the compromise measures of 1850, the confidrates also declare in their manifesto that they (the territoral bills for the organization of Utah and New Mexico) "applied to the territory acquired from Mexico, and to that only. They were intended as a settlement of the controversy growing out of that acquisition, and of that controversy only. They must stand or fall by their own merits."

I submit to the Senate if there is an intelligent man in America who does not know that that declaration is falsified by the statute from which they quoted. They say that the provisions of that bill was confined to the territory acquired from Mexico, when the very section of the law from which they quoted that proviso did purchase a part of that very territory from the State of Texas. And the next section of the law included that territory in the new Territory of Mexico. It took a small portion also of the old Louisiana purchase, and added that to the Territory of New Mexico, and made up the rest out of the Mexican acquisitions. Then, sir, your statutes show, when applied to the map of the country, that the Territory of New Mexico was composed of country acquired from Mexico, and also of territory acquired from Texas, and of territory acquired from France; and yet in defiance of that statute, and in falsification of its terms, we are told, in order to deceive the people, that the bills were confined to the purchase made from Mexico alone; and in order to give it greater solemnity, they repeat it twice, fearing that it would not be believed the first time. What is more, the Territory of Utah was not confined to the country acquired from Mexico. That territory, as is well known to every man who understands the geography of the country, includes a large tract of rich and fertile country, acquired from France in 1803, and to which the eighth scotion of the Missouri act applied in

1820. If these confederates do not know to what country I allude, I only reply that they should have known before they uttered the falsehood, and imputed a crime to me.

But I will tell you to what country I allude. By the treaty of 1819, by which we acquired Florida and fixed a boundary between the United States and Spain, the boundary was made of the Arkansas river to its source, and then the line ran due north of the source of the Arkansas to the 42d parallel, then along on the 42d parallel to the Pacific ocean. That line, due north from the head of the Arkansas, leaves the whole middle part, described in such glowing terms by Colonel Freemont, to the east of the line, and hence a part of the Louisiana purchase. Yet, inasmuch as that middle part is drained by the waters flowing into the Colorado, when we formed the territorial limits of Utah, instead of running that air-line, we ran along the ridge of the mountains, and cut off that part from Nebraska, or from the Leuisiana purchase, and included it within the limits of the territory of Utah.

Why did we do it? Because we sought for a natural and convenient boundary, and it was deemed better to take the mountains as a boundary, than by an air line to cut the valleys on one side of the mountains, and annex them to the country on the other side. And why did we take these natural boundaries, setting at defiance the old boundaries? The simple reason was that so long as we acted upon the principle of settling the slave question by a geographical line, so long we observed those boundaries strictly and rigidly; but when that was abandoned, in consequence of the action of freesoilers and abolitionists-when it was superseded by the compromise measures of 1850, which rested upon a great universal principle-there was no necessity for keeping in view the old and unnatural boundary. For that reason, in making the new territories, we formed natural boundaries, irrespective of the source whence our title was derived. In writing these bills I paid no attention to the fact whether the title was acquired from Louisiana, from France, or from Mexico; for what difference did it make? The principle which we had established in the bill would apply equally well to either.

In fixing those boundaries, I paid no attention to the fact whether they included old territory or new territory—whether the country was covered by the Missouri compromise or not. Why? Because the principles established in the bills supersoded the Missouri compromise. For that reason we disregarded the old boundaries; disregarded the territory to which it applied, and disregarded the source from whence the title was derived. I say,

therefore, that a close examination of those acts clearly establishes the fact that it was the intent, as well as the legal effect of the compromise measures of 1850, to supersede the Missouri compromise, and all geographical and territorial lines.

Sir, in order to avoid any misconstruction, I will state more distinctly what my precise idea is upon upon this point. So far as the Utah and New Mexico bills included the territory which had been subject to the Missouri compromise provision, to that extent they absolutely annulled the Missouri compromise. As to the unorganized territory not covered by those bills, it was superseded by the principles of the compromise of 1850. We all know that the object of the compromise measures of 1850 was to establish certain great principles which would avoid the slavery agitation in all time to come. Was it our object simply to provide for a temporary evil? Was it our object to heal over an old sore, and leave it to break out again ?- Was it our object to adopt a mere miserable expedient to apply to that territory, and to that alone, and leave ourselves entirely at sea, without compass when new territory was acquired or new territorial organizations were to be made?

Was that the object for which the eminent and venerable senator from Kentucky [Mr. Clay] came here and sacrificed even his last energies upon the altar of his country? Was that the object for which Webster, Clay, Cass, and all the patriots of that day, struggled so long and so strenuously? Was it merely the application of a temporary expedient, in agreeing to stand by past and dead legislation, that the Baltimore platform pledged us to sustain the compromise of 1850? Was it the understanding of the whig party, when they adopted the compromise measures of 1850 as an article of political faith, that they were only agreeing to that which was past, and had no reference to the future? If that was their meaning; if that was their object, they palmed off an atrocious fraud upon the American people. Was it the meaning of the democratic party, when we piedged ourselves to stand by the compromise of 1850, that we spoke only of the past, and had no reference to the future? If so, it was a gross deception. When we pledged our President to stand by the compromise measures, did we not understand that we pledged him as to his future action? Was it as to his past conduct? If it had been in relation to past conduct only, the pledge would have been untrue as to a very large portion of the our legislation. democratic party. Men went into that convenwhen they were pending-men who never would of them, but to leave the people to do as they

have voted affirmatively on them. But, inasmuch as those measures had been passed and the country had acquiesced in them, and it was important to preserve the principle in order to avoid agitation in the future, these men said, we waive our past objections, and we will stand by you and with you in carrying out these principles in the future.

· Such I understand to be the meaning of the two great parties at Baltimore. Such I understand to have been the effect of their pledges. If they did not mean this, they meant merely to adopt resclutions which were never to be carried out, and which were designed to mislead and deceive the people for the mere purpose of carrying an elec-

I hold, then, that, as to the territory covered by the Utah and New Mexico bills, there was an express annulment of the Missouri compromise; and as to all the other unorganized territories, it was superseded by the principles of that legislation, and we are bound to apply those principles to the organization of all new territories, to all which we now own, or which we may hereafter acquire. If this construction be given, it makes that compromise a final adjustment. No other construction can possibly impart finality to it. By any other construction, the question is to be reopened the moment you ratify a new treaty acquiring an inch of country from Mexico. By any other construction, you reopen the issue every time you make a new territorial government. But, sir, if you treat the compromise measures of 1850 in the light of great principles, sufficient to remedy temporary evils, at the same time that they prescribe rules of action applicable everywhere in all time to come, then you avoid the agitation for ever, if you observe good faith to the provisions of these enactments, and the principles established by them.

Mr. President, I repeat that, so far as the question of slavery is concerned, there is nothing in the bill under consideration which doos not carry out the principle of the compromise measures of 1850, by leaving the people to do as they please, subject only to the provisions of the Constitution of the United States. If that principle is wrong, the bill is wrong. If that principle is right, the bill is right. It is unnecessary to quibble about phraseology or words; it is not the mere words, the mere phraseology, that our constituents wish to judge by. They wish to know the legal effect of

The legal effect of this bill, if it be passed as retion who had been opposed to the compromise ported by the Committee on Territories, is neither measures-men who abhorred those measures to legislate slavery into these territories nor out please, under the provisions and subject to the imitations of the Constitution of the United States. Why should not this principle prevail? Why should any man, noth or south, object to it? I will especially address the argument to my own section of country, and ask why should any gorthern man object to this principle? If you will review the history of the slavery question in the United States, you will see that all the great results in behalf of free institutions which have been worked out, have been accomplished by the correction of this principle, and by it alone.

When these States were colonies of Great findin, every one of them was a slavelolding province. When the Constitution of the United States was formed, twelve out of the thirteen were slave-holding States. Since that time six of those States have become free. How has this been scheeted? Was It by virtue of abolition agitation in Congress? Was it in obedience to the dict uses of the federal government? Not at all; butuely have become free States under the silent but sure and irresistible working of that great principle of self-government which teaches every people to do that which the interests of themselves and their posterity morally and pecuniarily may require.

Under the operation of this principle, New Hampshire became free, while South Carolina continued to hold slaves; Connecticut abolished slavery, while Georgia held on to it; Rhode Island abandoned the institution, while Maryland preserved it; New York, New Jersey, and Penusylvania abolished slavery, while Virginia, North Carolina, and Kentucky retained it. Did they do it at your bidding? Did they do it at the dictation of the federal government? Did they do it in obedience to any of your Wilmot provisos or ordinances of '87? Not at all; they did it by virtue of their rights as freemen under the Constitution of the United States, to establish and abolish such institutions as they thought their own good required.

Let me ask you, where have you succeeded in excluding slavery by an act of Congress from one inch of the American soil? You may tell me that you did it in the Northwest Territory by the ordinance of 1787. I will show you by the history of the country that you did not accomplish any jackthing. You prohibited slavery there by law, out you did not exclude it in fact. Illinois was a sext of the northwest territory. With the exception of a few French and white settlements, it was a value of the result of t

ernment, it established and protected slavery, and maintained it in spite of your ordinance and in defiance of its express prohibition. It is a curious fact, that, so long as Congress said the territory of liftinois skould not have slavery, she actually had it; and on the very day when you withdrew your Congressional prohibition the people of Illinois, of their own free will and accord, provided for a system of emancipation.

Thus you did not succeed in Illinois Territory with your ordinance or your Wilmot Provise, because the people there regarded it as an invasion of their rights; they regarded it as an isurpation on the part of the federal government. They regarded it as violative of the great principles of self-government, and they determined that they would never submit even to have freedom so long as you forced it upon them.

Nor must it be said that slavery was abolished in the constitution of Illinois in order to be admitted into the Union as a State, in compliance with the ordinance of 1787; for they did no such thing. In the constitution with which the people of Illinois were admitted into the Union, they absolutely violated, disregarded, and repudiated your ordinance. The ordinance said that slavery should be forever prohibited in that country. The constitution with which you received them into the Union as a State provided that all slaves then in the State should remain slaves for life, and that all persons born of slave parents after a certain day should be free at a certain age, and that all persons born in the State after a certain other day. should be free from the time of their birth. Thus their State constitution, as well as their territorial legislation, repudiated your ordinance. Illinois, therefore, is a case in point to prove that whenever you have attempted to dictate institutions to any part of the United States, you have failed The same is true, though not to the same extent, with reference to the Territory of Indiana, where there were many slaves during the time of its territorial existence, and I believe also there were a few in the Territory of Ohio.

But, sir, these abolition confederates, in their manifesto, have also referred to the wonderful results of their policy in the State of Iowa and the Territory of Minnesota. Here, again, they happen to be in fault as to the laws of the land. The act to organize the Territory of Iowa did not prohibit slavery, but the people of Iowa were allowed to do as they pleased under the territorial government; for the sixth section of that act provided that the legislative authority should extend to all rightful subjects of legislation except as to the disposition of the public lands, and taxes in 'oertain

eases, but not excepting slavery. It may, however, be said by some that slavery was prohibited in Iowa by virtue of that clause in the Iowa act which declared the laws of Wisconsin to be in force therein, inasmuch as the ordinance of 1787 was one of the laws of Wisconsin. If, however, they say this, they defeat their object, because the very clause which transfers the laws of Wisconsin to Iowa, and makes them of force therein, also provides that those laws are subject to be altered, modified, or repealed by the territorial legislature of Iowa. Iowa, therefore, was left to do as she pleased. Iowa, when she came to form a constitution and State government, preparatory to admission into the Union, considered the subject of free and slave institutions calmly, dispassionately, without any restraint or dictation, and determined that it would be to the interest of her people in their climate, and with their productions, to prohibit slavery; and hence Iowa became a free State by virtue of this great principle of allowing the people to do as they please, and not in obedience to any federal command.

The abolitionists are also in the habit of referring to Oregon as another instance of the triumph of their abolition policy. There again they have overlooked or misrepresented the history of the country. Sir, it is well known, or if it is not, it ought to be, that for about twelve years you f to give Oregon any government or any protection; and during that period the inhabitants of that country established a government of their own, and, by virtue of their own laws, passed by their own representatives before you extended your jurisdiction over them, prohibited slavery by a unanimous vote. Slavery was prohibited there by the action of the people themselves, and not by

virtue of any legislation of Congress. It is true that, in the midst of the tornado which swept over the country in 1848, 1849, and 1850, a provision was forced into the Oregon bill prohibiting slavery in that territory; but that only goes to show that the object of those who pressed it was not so much to establish free institutions as to gain a political advantage by giving an ascendancy to their peculiar doctrines in the laws of the land; for slavery having been already prohibited there, and no man proposing to establish it, what was the necessity for insulting the people of Oregon by saying in your law that they should not do that which they had unanimously said they did not wish to do? That was the only effect of your legislation so far as the Territory of Oregon was conaerned.

. How was it in regard to California? Every one

arraigned me and the Committee on Territories before the country, and have misrepresented our position, predicted that unless Congress interposed by law, and prohibited slavery in California, it would inevitably become a slaveholding State, Congress did not interfere; Congress did not prohibit slavery. There was no enactment upon the subject; but the people formed a State constitution, and therein prohibited slavery.

Mr. WELLER. The vote was unanimous in the convention of California for prohibition.

Mr DOUGLAS. So it was in regard to Utah and New Mexico. In 1850, we who resisted any attempt to force institutions upon the people of those territories inconsistent with their wishes and their right to decide for themselves, were denounced as slavery propagandists. Every one of us who was in favor of the compromise measures of 1850 was arraigned for having advocated a principle proposing to introduce slavery into those territories, and the people were told, and made to believe, that, unless we prohibited it by act of Congress, slavery would necessarily and inevitably be introduced into these territories.

Well, sir, we did establish the territorial governments of Utah and New Mexico without any prohibition. We gave to these abolitionists a full opportunity of proving whether their predictions ould prove true or false. Years have rolled round, and the result is before us. The people there have not passed any law recognising, or establishing, or introducing, or protecting slavery in the territories.

I know of but one territory of the United States where slavery does exist, and that one is where you have prohibited it by law; and it is this very Nebraska country. In defiance of the eighth section of the act of 1820, in defiance of congressional dictation, there have been, not many, but a few slaves introduced. I heard a minister of the Gospel the other day conversing with a member of the Committee on Territories upon this subsect. This preacher was from that country, and a member put this question to him: "Have you any negroes out there?" He said there were a few held by the Indians. I asked him if there were not some held by white men? He said there were a few under peculiar circumstances, and he gave an instance. An abolition missionary, a very good man, had gone there from Boston, and he took his wife with him-He got out into the country but could not get

any help; hence he, being a kind-hearted man west down to Missouri and gave \$1,000 for a ne gro, and took him up there as "help." [Laughter.] of these abolition confederates, who have thus So, under peculiar circumstances, when these feesoil and abolition preachers and missionaries go into the country, they can buy a negro for their we use, but they do not like to allow any one else to do the same thing. [Renewed laughter.] I suppose the fact of the matter is simply this: there the people can get no servants-no "help," as they are called in the section of country where I was born-and from the necessity of the case, they must do the best they can and for this reason few slaves have been taken there. I have no boubt that whether you organize the territory of Nebraska or not, this will continue for some little ime to come. It certainly does exist, and it will increase as long as the Missouri compromise applies to the territory; and I suppose it will continue for a little while during their territorial condition, whether a prohibition is imposed or not. when settlers rush in-when labor becomes plenty, and therefore cheap, in that climate, with its productions-it is worse than folly to think of its being a slaveholding country. I do not believe there is aman in Congress who thinks it could be permanently a slaveholding country. I have no idea that it could. All I have to say on that subject is, that, when you create them into a territory, you thereby acknowledge that they ought to be considered a distinct political organization. And when you give them in addition a legislature, you thereby confess that they are competent to exercise the powers of legislation. If they wish slavery, they have a right to it. If they do not want it, they will not have it, and you should not attempt to force it upon them.

I do not like, I never did like, the system of legislation on our part, by which a geographical line, in violation of the laws of nature, and climate, and soil, and of the laws of God, should be run to establish institutions for a people contrary to their wishes; yet, out of a regard for the peace and quiet of the country, out of respect for past pledges, and out of a desire to adhere aithfully to all compromises, I sustained the Missouri compromise so long as it was in force, and advocated its extension to the Pacific ocean. Now, when that has been abandoned, when it has been superseded, when a great principle of selfgovernment has been substituted for it, I choose to cling to that principle, and abide in good faith, not only by the letter, but by the spirit of the last mpromise.

Sir, I do not recognise the right of the abolitionists of this country to arraign me for being false to sacred pledges, as they have done in their Arrollmations. Let them show when and where I have ever proposed to violate a compact. I have proved that I stood by the compact of 1820

and 1-45, and proposed its continuance and observance in 1848. I have proved that the freesoilers and abolitionists were the guilty parties who violated that compromise then. I should like to compare notes with these abolition confederates about adherence to compromises. When did they stand by or approve of any one that was ever made?

Did not every abolitionist and freesoiler in America denounce the Missouri compromise in 1820? Did they not for years hunt down ravenously, for his blood, every man who assisted in making that compromise? Did they not in 1845, when Texas was annexed, denounce all of us who went for the annexation of Texas, and for the continuation of the Missouri compromise line through it? Did they not, in 1848, denounce me as a slavery propagandist for standing by the principles of the Missouri compromise, and proposing to continue it to the Pacific ocean? Did they not themselves violate and repudiate it then? Is not the charge of bad faith true as to every abolitionist in America, instead of being true as to me and the committee, and those who advocate this bill?

They talk about the bill being a violation of the compromise measures of 1850. Who can show me a man in either house of Congress who was in favor of those compromise measures in 1850, and who is not now in favor of leaving the people of Nebraska and Kansas to do as they please upon the subject of slavery, according to the principle of my bill? Is there one? If so, I have not heard of him. This tornado has been raised by abolitionists, and abolitionists alone. They have made an impression upon the public mind, in the way in which I have mentioned, by a falsification of the law and the facts; and this whole organization against the compromise measures of I850 is an abolition movement. I presume they had some hope of getting a few tender-footed democrats into their plot; and, acting on what they supposed they might do, they sent forth publicly to the world the falsehood that their address was signed by the senators and a majority of the representatives from the State of Ohio; but when we come to examine signatures, we find no one whig there, no one democrat there; none but pure, unmitigated, unadulterated abolitionists.

Much effect, I know, has been produced by this circular, coming as it does with the imposing title of a representation of a majority of the Ohio delegation. What was the reason for its effect; Because the manner in which it was sent forth implied that all the whig members from that State had joined in it; that part of the democrats had signed it; and then that the two abolitionists ha

signed it, and that made a majority of the delegation. By this means if frightened the whip party and the democracy in the State of Ohio, because they supposed their own representatives and friends had gone into this negro movement, when the fact turns out to be that it was not signed by a single whig or democratic member from Ohio.

Now, I ask the friends and the opponents of this measure to look at it as it is. Is not the question involved the simple one, whether the people of the Territories shall be allowed to do as they please upon the question of slavery, subject only to the limitations of the Constitution? That is all the bill provides; and it does so in clear, explicit, and unequivocal terms. I know there are some men, whigs and democrats, who, not willing to repudiate the Baltimore platform of their own party, would be willing to vote for this principle. provided they could do so in such equivocal terms that they could deny that it means what it was intended to mean in certain localities. I do not wish to deal in any equivocal language. If the principle is right, let it be avowed and maintained. If it is wrong, let it be repudiated. Let all this quibbling about the Missouri compromise. about the territory acquired from France, about the act of 1820, be cast behind you; for the simple question is, will you allow the people to legislate for themselves upon the subject of slavery? Why should you not?

When you propose to give them a Territorial Government, do you not acknowledge that they ought to be erected into a political organization; and when you give them a legislature, do you not acknowledge that they are capable of self-government? Having made that acknowledgment, why should you not allow them to exercise the rights of legislation? Oh, these abolitionists say they are entirely willing to concede all this, with one exception. They say they are willing to trust the Territorial legislature, under the limitations of the Constitution, to legislate upon the rights of inheritance, to legislate in regard to religion, education, and morals, to legislate in regard to the relations of husband and wife, of parent and child, of guardian and ward, npon everything pertaining to the dearest rights and interests of white men, but they are not willing to trust them to legislate in regard to a few miserable negroes. That is their single exception. They acknowledge that the people of the territories are capable of deciding for themselves concerning white men, but not

The real gist of the matter in relation to negroes. is this: Does it require any higher degee of civili zation, and intelligence, and learning, and sagi city, to legislate for negroes than for white men If it does, we ought to adopt the abolition doc trine, and go with them against this bill. If & does not-if we are willing to trust the people with the great, sacred, fundamental right of prescribing their own institutions, consistent with the Constitution of the country-we must vote for this bill. That is the only question involved in the bill. I hope I have been able to strip it of all the misrepresentation, to wipe away all of that mist and obscurity with which it has been surrounded by this abolition address.

I have now said all I have to say upon the present occasion. For all, except the first ten minutes of these remarks, the abolition confederates are responsible. My object, in the first place, was only to explain the provisions of the bill, so that they might be distinctly understood, I was willing to allow its assailants to attack it as much as they pleased, reserving to myself the right, when the time should approach for taking the vote, to answer in a concluding speech all the arguments which might be used against it. I still reserve-what I believe common courtesy and parliamentary usage awards to the chairman of a committee and the author of a bill-the right of summing up after all shall have been said which has to be said against this measure.

I hope the compact which was made on hat Tuesday, at the suggestion of these abolitionists, when the bill was proposed to be taken up, wik be observed. It was that the bill, when taken up to day until finally disposed of. I hope they will not repudiate and violate that compact, as they have the Missouri compromise and all other which have been enterediatio. I hope, therefore, that we may press the bill to a vote; but not depriving persons of an opportunity of speaking.

I am in favor of giving every enemy of the bill the most ample time. Let us hear them all psitently, and then take the vote and pass the bill. We who are in favor of it know that the principle on which it is based is right. Why, thea, should we gratify the abolition party in their effort og tup another political tornado of fanaticism, and put the country again in peril, merely for the purpose of electing a few agitators to the Cources of the United States?

SPEECH

EMERSON ETHERIDGE,

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES, MAY 17, 1854.

on the state of the Union, (Mr. STANTON, of Tennessee, in the chair,)

Mr. ETHERIDGE said-

Mr. CHAIRMAN: There was a time when I desired, more than now, to submit to the Committee, my opinions in relation to the bill for organizing Territorial Governments for Kansas and The stirring and exciting scenes through which we have passed, within the last few days, have not increased my anxiety to be heard, or given me confidence in being able to secure the attention of the House. Still, sir, I feel that until the measure is consummated, there is hope, and while there is hope remaining, my duty shall be performed. I freely admit the difficulty of moving men from positions already taken, or persuading them to renounce opinions publicly expressed; still, sir, there are many here who are now struggling between the mandates of duty and the exactions of party and sectional association. To these I would address myself; for when right and party allegiance have clashing interests, that man who pauses for honest deliberation, will not always sacrifice the first on the altar of the last.

As but an hour is assigned me for the expression of my opinions upon a subject which, confessedly, involves the nationality of the two great political parties of the country, and, in the judg-ment of many, the integrity of the Union—a subject which, all admit, brings no practical good to any section of the country, while it is addressed to the worst passions and prejudices of each; a subject suggestive of a future, which even boldness is unwilling to portray-when I think, sir, of all these things, and the consequences involved in our action, I feel my unfitness for the task which duty imposes. In attempting to pro-

"I stand in pause, where I shall first begin."

The House being in Committee of the Whole | whole American People-have you not, for weeks past, presented a remarkable spectacle? Are not your daily proceedings, a striking commentary upon those assurances, which your own party so recently gave the people? and that, too, at a time when it was being borne into power, as you alleged, by the conservative and national sentiment of the country? Are you not, this day, furnishing a powerful and satisfactory argument to those sectional agitators, who have always inveighed against the truth and sanctity of political pledges? And is not all this sufficient to make us suspect weakness or corruption in those who, for their supposed political worth, were so recently called to the highest places of position and power?

Have you not, sir, for the last four months, been engaged in bartering away the confidence of the people, for that which they will scorn as an equivalent, and against which the voice of the larger portion has been raised in tones of intemperate opposition, or heard in low murmurs of

sorrow and complaint?

More than this, sir; are you not now attempting to force upon an nawilling people a measure they have never required-which no necessity or public interest demands, and which its friends and authors admit will be, if consummated, but a barren victory - a fruitless crown - a measure, sir, which this House, if left free from the influence of those threats and promises which are issued, daily, from the other end of the Avenue, would, in one hour, bury so deep, that a thousand consultations of the Cabinet, and as many midnight gatherings of heterogeneous politicians, could not again start it into life? Consign it, sir, to an unhonored grave without a single mourner, unless it should be that little band, who for months past have kept constant vigil around what they feared was its dying couch?

I am here to-day to plead for my own section of the country—to ask Union-loving Representa-To the dispassionate observer-aye, sir, to the tives, North and South; to consider our real, our

practical interests, and not, hastily, involve them in jeopardy or ruin. I demand no concession of abstract principle, which brings with it a real injury or an abstract wrong. I prefer the peace and prosperity of the South and of the Union, to an empty triumph which may endanger both.

True, sir, in making this appeal, I bring not with me that prestige of success which great names inspire. I must, therefore, rest my cause much on its own merits, and that sense of justice which stirs in every heart to which reason appeals.

I shall express my views respectfully, but plainly. I accord to others as much candor as I can claim for myself. I do not know that I ever had so much confidence in my own opinions as to cause me to judge harshly, or impute to others a desire to do wrong, rather than a wish to do right. I had rather be the apologist than the persecutor of those whose opinions do not agree with my own. I believe there are more defective judgments than depraved hearts, and that much which the public censor would set down to the account of corruption, might, more properly, be ascribed to our varied interests and educational feelings.

To the differences in our personal and political interests, of which many seem unconscious, rather than to the native depravity of the friends or opponents of the bill, may be attributed much of that unnecessary bitterness and bad feeling which, up to this time, seems to have attended the con-

sideration of the measure.

The main question which I propose to consider is the repeal of the 8th section of the act of 6th March, 1820, commonly called the "Missouri Compromise." Not that the bill is otherwise free from serious and insuperable objections; but because, in the opinion of many wise and temperate men of all parties, the repeal of the act in question will, ultimately, result in mischief to the country.

I desire, if I can, to consider the question practically; to test it by the rules of common sense. and to ascertain what good, if any, will result to either section of the country by the repeal.

Before proceeding further, I must, however, be permitted to say a word to those who have evinced so much anxiety for my political welfare, and who have admonished me, that should I vote against the repeal of the Missouri Compromise act of 1820, I need not expect to be retained in public life. The disinterested kindness which prompted the advice, best bespeaks its own commendation; but as I shall disregard the entreaties of some and the expostulations of others, it is due to them to say that their kindness has been duly appreciated. A seat in Congress brings with it no such charms as have caused me to think, for a moment, of the means of retaining it. Were I to do so, however, I should conclude, that a conscientions and faithful discharge of my whole duty, and especially adherence to my public pledges, would be the surest way to retain the

confidence of those who sent me here. When I

find myself surrendering my own judgment of

support to that which I cannot approve, because

the wrong may promise more applause than the right, then, and in that event, I should deserve the scorn of my constituents and the contempt of mankind.

I confess, that so far as the sentiment of the South is expressed by their Representatives on this floor, I am in a minority in my opposition to that part of the bill which proposes to declare the Missouri Compromise "inoperative and void." This circumstance has caused me to review and re-review the facts and arguments which drove me to this determination. I have been ready at all times to give my own section of the Confederacy, and my colleagues from that quarter of the country, the full benefit of all doubts upon the subject; and if I could possibly reconcile it with Southern interests, and my pledges to the people, I would now aid them in the work of repeal. But, sir, I have not been able to see how the South, in any conceivable event, can be benefited, by repealing the act of 1820, while evils may, and I fear will, grow out of it, which it would seem that madness alone could have hoped to arouse. this proposition, with all its hazardous consequences, comes upon us suddenly, without warning, and at a time when the most observant statesmen could see no cloud upon the political horizon-at a time when the shouts of grateful millions, which went up to Heaven for the peace offerings of 1850, had not ceased; and while the words of sober congratulation, which were everywhere heard from the friends of the Union, were still saluting our ears.

It is difficult, sir, to recur to the history of the Missouri Compromise, and more difficult to estimate the consequences of its repeal, without considering, at the same time, some other epochs in our political history, equally remarkable for the passions which they engendered, and the in-terests they imperilled. We cannot forget the struggle of 1798-'9, which severely tried the strength of the Federal Union, and resulted in a repeal of the alien and sedition laws, which produced it. This contest, from its very nature, could not have been sectional, as the principles it established were applicable alike to every section of the country. Hence the struggle of 1798-'9

never has and never will be revived.

Not so, however, with the Missouri crisis of 1820, the Nullification dangers of 1832-'3, and the more recent contest of 1850, at which several periods the integrity of the Federal Union was involved. These contests were all sectional; they originated in a difference of pursuits, of institutions, of interests, and of education. Hence the difficulty of healing the wounds which were inflicted during these struggles, and hence the danger of re-opening now those questions which then proved so fearful, and in the adjustment of which the best talents and the loftiest patriotism were so eminently displayed.

As the value and importance of the Missouri Compromise cannot be properly estimated at this time, without recurring to the events which produced it, I shall review these events, at the risk of being considered tedious. It was the first the propriety of a public measure, and yielding a time that the slave and non-slaveholding States were found arrayed against each other; and the

first time, ince the adoption of the Federal Constitution, that Slavery began to be considered

with reference to political power.

In 1819, Mr. Scott, (then a delegate from the Territory of Missouri,) presented to Congress a memorial, asking that the Territory of Missouri might be permitted to form a Constitution of State Government, and be admitted into the Union, upon an equal footing with the original States.

Pending the consideration of this question in Congress, various efforts were made for the restriction of Slavery-some proposing to apply the restriction to the unorganized territories west of the Mississippi, while others embraced, also, the then Territory of Missouri. Slavery existed at that time in the Missouri Territory, and the North required that Missouri, in forming a State Constitution, should abolish or not recognise it. This proposition, to restrict Slavery in the State of Missouri was entertained and insisted on by the Northern members of the House of Representatives, who then, as now, had a very decided majority. The Senate held different views, and was unwilling to impose any restriction on the State, in the formation of its Constitution. Thus, the two Houses could not agree; the session was far advanced, and this delicate and perplexing question, which then seemed so ominous of evil, was unadjusted. Argument and entreaty had been exhausted in vain. The firmest and most experienced statesmen began to tremble for the safety of the Republic, as they beheld the people and their representatives about to hazard the peace of the country and the union of the States, by protracting this unnatural struggle between the members of a common brotherhood. But, happily for the country, forbearance and concession were able, at last, to avert the danger and soothe into tranquillity the storm of political and sectional fury.

On the 16th of February, 1820, Mr. Thomas, a Senator from Illinois, renewed his proposition, to restrict Slavery in all the territory west of the Mississippi, north of 36° 30' north latitude, except within the proposed limits of the State of Missouri.

The proposition of Mr. Thomas was what has since been called the "Missouri Compromise," and is in these words:

" And be it further enacted, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36 degrees 30 minutes north latitude, excepting only such part thereof as is included within the limits of the State tacreou as 18 included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise it an in the punishment of crimes whereof the party shall have been duly convicted, shall be, and is hereby, forever prohibited: Provided, abunds, that any person essaping into the same, from whom labor or service is lawfully claimed in any States, Thereitzer of the United States smake, in any State or Territory of the United States, such fu-gitive may be lawfully reclaimed, and convoyed to the person claiming his or her labor or service, as

This proposition restricting Slavery north of 36° 30' was adopted in the Senate, as an amendment to the bills then pending, for the admission of Maine and Missouri, by the following vote:

"For the amendment - Messrs. Brown, Burrill, Dana, Dickerson, Eaton, Edwards, Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Lanman, Leake, Lloyd, Logan, Lowrie, Mellen, Morrill, Otis, Palmer, Parrott, Pinkney, Roberts, Ruggles, Sanford, Stokes, Thomas, Tichenor, Trimble, Van Dyke, Walker of Alabama, Williams of Tennessee, Wilson—34.

"Against the amendment—Messrs. Barbour, Elliott, Gaillard, Macon, Noble, Pleasants, Smith, Taylor, Walker of Georgia, Williams of Mississippi—10."

After the "Missouri Compromise" had been thus made a part of the bill providing for the admission of Maine and Missouri, the question was taken on ordering the bill as amended to be engrossed, and read a third time, with the following result:

"Aves-Messrs. Barbour, Brown, Eaton, Edwards, "Arrss—Messrs. Barbour, Brown, Eaton, Edwards, Elliott, Gaillard, Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Leake, Lloyd, Logan, Parrott, Pinkney, Pleasants, Stokes, Thomas, Van Dyke, Walker of Congris, Williams of Missistippi, Williams of Tennessee—24.

"Norse, Messrs. Burrill, Dans, Dickerson, King of New York, Lanman, Lowrie, Macon, Mellen, Morrill, Nolle, Oits, Palmer, Roberts, Ruggless, Sanford, Smith, Taylor, Tichenor, Trimble, Wilson—20."

Among these affirmative voters in the Senate. who thus recorded their votes in favor of the "Missouri Compromise," were Barbour and Pleasants; of Virginia; Brown and Johnson, of Louisiana; Eaton and Williams, of Tennessee; Elliott and Walker, of Georgia; Galliard, of South Carolina; Richard M. Johnson and Logan, of Kentucky; Lloyd and Pinkney, of Maryland; Wil-LIAM R. KING (late Vice President) and Walker, of Alabama; Leake and Williams, of Mississippi; Van Dyke and Horsey, of Delaware; and Stokes, of North Carolina-making twenty Senators from the South. Only four Senators from the North voted for it, and eighteen against it. But two Senators from the South, (Mr. Macon, of North Carolina, and Mr. Smith, of South Carolina,) voted in the negative.

The Missouri Compromise having passed the Senate, was sent to the House of Representatives, where it was acted on, the 2d of March, 1820. The main question was taken on inserting in the bill the Missouri Compromise, prohibiting Slavery north of 36° 30', and decided in the affirmative by

yeas and nays, as follows:

"ATES—Messrs. Allen of New York, Allen of Tennessee, Anderson, Archer of Maryland, Baker, Baldwin, Bateman, Bayly, Beecher, Bloomfield, Bodea, Brevard, Brown, Brush, Bryan, Butter of N. Hampshire, Campbell, Cannon, Case, Clagett, Clarke. Cocke, Cock, Crafts, Crawford, Crowell, Culbreth, Culpepper, Cushman, Cuthbert, Darlington, Davidson, Demits, Dekinson, Dowes, Earle, Cocker, Cock, Cock, Cocker, Cock, Carle, Cocker, Cocker, Cocker, Cashman, Cuthbert, Darlington, Davidson, Dewits, Dekinson, Dowes, Earle, Cocker, Cashman, Cuthbert, Darlington, Pavidson, Dewits, Dekinson, Dowes, Earle, Cocker, Cocker, Cashman, "AYES-Messrs. Allen of New York, Allen of Ten-Hassard, Hemphill, Hendarriess, Interrus, Liussunsan, Hiester, Hill, Holmes, Hoteletter, Kendall, Kent, Kinsley, Kinsey, Lathrop, Little, Lihnooln, Lünn, Liv-crmore, Lowndes, Lyman, Maclay, McGreary, McLane of Delaware, McLean of Kentucky, Mallyndown Carlon, Marchael and Kentucky, Mallyndown Charles, Marchael and March, Moorley, Murray, Noon of Mass, Nelson of Virginia, Parker of Mass, Patterno-Dhikam Philory, Plumar Durgles, Rankin, Rich. Mass., Neison of Virginis, Farkof of Rass., rauer-son, Phi'son, Pitcher, Plumor, Quarles, Rankin, Rich, Richsrds, Richmond, Ringgold, Robertson, Rogers, Ross, Russ, Sampson, Sergeant, Settle, Shaw, Silsbee, Sloan, Smith of New Jersey, Smith of Maryland, Smith of North Carolina Southard, Steven, Storra, Street, Strong of Vermont, Strong of New York, Strother, Tarr, Taylor, Tomlinson, Tampins, Tracy Trimble, Tucker of South Carolina, Upham, Van Rensselaer, Wallace. Warfield, Wendover, Williams

"Nors—Messrs Abbot, Adams, Alexander, Allen of Mass, Archor of Va, Barbour, Buffam, Burton, Burwell, Budler of Louisians, Cobb. Edwards of N. Carolina, Ervin, Folger, Garnett, Gross of N. York, Hall of North Carolina, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, McCoy, Metcalf, Neale, Newton, Overstreet, Parker of Virginia, Pinckery, Pindall, Ra-dolph, Reed, Rhea, Simkins, Slocumb, B. Smith of Virginia, A. Smyth of Virginia, Swear-ingen, Terill, Tucker of Virginia, Tyler, Walker of North Carolina, Williams of Virginia—42."

The result in the House of Representatives showed that a majority of the Southern members voted for the Compromise. Of seventy-six Representatives from slaveholding States, who voted on the question, thirty-nine recorded their votes in favor of the measure, and thirty-seven against Yet, sir, in the face of these facts, we have just now been told by my colleague, [Mr. READY,] who addressed the Committee this morning, that this measure was never regarded with favor or received with satisfaction by the people of the slaveholding States; that they submitted to it because of their devotion to the Union, and because that submission was necessary to its preservation.

This statement I emphatically deny, and I appeal with confidence to the writings of those who recorded its history at the time, and who witnessed for themselves how well it performed the great work of pacification for which it was designed, and how favorably it was received by the

people of the South.

Before the adoption of this measure, I admit, all was apprehension and alarm. Yes, sir, alarm is a feeble word, to express the state of the public mind. Mr. Jefferson, in a letter written while the question was pending in Congress, said—"The Missouri question is the most portentous one which ever yet threatened our Union. In the gloomiest moment of the Revolutionary war, I never had any apprehension equal to that I felt from this source."

Bnt so soon as Congress had adopted the Compromise, all was gratulation, joy, and peaceevery patriot heart was made glad, and the pulse of the nation ceased to beat with painful appre-

hension.

Charles Pinckney, of South Carolina, was a member of that Congress. He had previously been a Senator, a member of the Convention which framed the Federal Constitution, and had represented us at the Court of Spain. He voted against the Compromise, yet he testifies, at the time and on the spot, that it was regarded by the slaveholding States as " A GREAT TRIUMPH. Though he had voted against it, yet he contributed to swell by his voice the tide of joyous acclamation which went up from all portions of the country. The following letter will show how the measure was received at the time:

" CONGRESS HALL, March 2, 1820, " Three o'clock at night.

"DEAR SIE: I hasten to inform you that this mo-

ment we have carried the question to admit Missouri, and all Louisiana to the southward of 36 deg. 30 min. free of the restriction of Slavery, and give the South, in a short time, an addition of six and perhaps eight, members to the Senate of the United States. It is considered here, by the slaveholding States, as a great triumph To the north of 36 deg. 30 min. there is to be, by the present law, restriction, which, you will see, by the voices, I voted against. But it is at present of no moment : it is a vast tract, uninhabited, only by savages and wild beasts, in which not a foot of the Indian claim to the soil is extinguished, and in which, according to the ideas prevalent, no land office will be open for a great length of time.

" With respect, your obedient servant, "CHARLES PINCKNEY"

This letter was written by Mr. Pinckney, who was a participator in the events which produced the Missouri Compromise, when you and 1, Mr. Chairman, were "muling and puking" in our nurses' arms. His opinions are certainly worth more than those of my colleague, who, thirtyfour years after the adoption of the Compromise, arrays his researches into antiquity, and his belief, against the authority of one who, though opposed to the Compromise, asserted that it was regarded "by the slaveholding States as a great triumph." Not a triumph of the North, or a concession to the Union, but as a triumph of the South. Mr. Pinckney proceeded to assign the reasons for his opinion-among which he mentioned that it would "give the South, in a short

time, an addition of six, and perhaps eight, members

son assigned was, that the country north of

36° 30' was "a vast tract, uninhabited, only by sava-

Another rea-

to the Senate of the United States."

ges and wild beasts," &c. I do not admit or insist, that the Missouri Compromise was a Southern triumph, but, sir, I intend to show, that it has been regarded by Southern statesmen as a favorite measure, and one which they never desired annulled, or attempted to repeal, until January, 1854-and I further insist, whatever may have been the causes which produced it, that wisdom and statesmanship, the interests of the South, and the peace of the Union, require that it should not, now, be disturbed. The champions of repeal admit that it cannot extend Slavery-certainly, then, less than a Southern statesman would see the propriety of

letting things alone, rather than raise a tempest of popular excitement, which patriotism may not

be able to rule, or power to control. The adoption of this Compromise brought the country a repose from Slavery agitation, which promised to be more than temporary. It embraced all the territory which, at that time, belonged to us, and has not failed to keep down the fury which it allayed, except when other Territories have been added to the Union, by which the Slavery agitation has been revived beyond the limits embraced by that Compromise. annexation of Texas was a matter of negotiation, the Slavery Question gave signs of again becoming a disturbing element. It was intimately connected with the commencement, the progress, and the termination of that negotiation, and laid the foundation of that overwhelming, Free Soil, Democratic organization, which has since existed in the Northern States, under the auspices of Mr. Van Buren.

It was evident that the existence of Slavery in Texas was the true ground of Northern objection to annexation. The South readily perceived the difficulty, and sought the means of obviating it. The Representatives from that portion of the country remembered the results of the Missouri Compromise. They regarded it as a sort of universal panacea for all the sectional jealousies and agitation growing out of domestic Slavery. In the very act of annexation they applied the remedy, and that remedy was the Missouri Compromise, which within the last four months has suddenly lost favor with those Southern politicians who have been taught to regard it until recently with so much veneration.

Congress, on the 1st of March, 1845, passed a joint resolution for the annexation of Texas. The third article of the second section of that

resolution reads as follows:

"And such States as may be formed out of that portion of said territory lying south of 36 degrees 30 minutes north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri Compromise line, slavery or involuntary servitude (except for crimes) shall be prohibited."

The resolution for the annexation of Texas was regarded as a Southern measure, and received the sanction of the great body of statesmen from the slaveholding States. It was adopted a quarter of a century after the Missouri Compromise, in which the latter is recognised as a compromise, and one which then appeared to be in favor with the South.

It was again recognised by Southern Senators as late as 10th August, 1848, when (the Oregon bill being before the Senate) Mr. Douglas moved an amendment, in the following words:

"That inasmuch as the said Territory is north of the parallel of 36 deg. 30 min. of north latitude, waually known as the Missouri Compromise line," A "The vote on this amendment was as follows:

"YEAS-Messrs. Atchison, Badger. Bell, Benton, Berrien, Borland, Bright, Butler, Calhoun, Cameron, Davis of Mississippi, Diekinson Douglas, Dawson, Fitzgerald, Foster, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Met-calfe, Pearoe, Sebastian, Spruance, Sturgeon, Turney, and Underwood—33
"Nays—Messrs Allen, Atherton, Baldwin, Brad-

bury, Broose, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Feleh, Greene, Hale. Hamlin, Miller, Niles, Phelps, Upham, Walker, and Webster-

This was disagreed to by the House, most of the Southern members-as the Senate had donevoting for the amendment; thus establishing the fact, that as late as August, 1848, the Missouri Compromise line was not regarded by Southern statesmen as destructive of the interests or honor of the slaveholding States.

Again: in September, 1850, Congress passed an act, (one of the compromises of 1850,) proposing to the State of Texas the establishing of her northern and western boundaries, the relinquish-

exterior to said boundaries, and of all her claim upon the United States; and to establish a Territorial Government for New Mexico. In the fifth clause of the first section of said act is the following proviso, introduced on motion of Mr. Mason, a Senator from Virginia:

"Provided, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the 'joint resolution for annexing Texas to the United States,' approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas, or otherwise."

The word "otherwise," in this proviso, was then and is now understood to have reference to the establishment of domestic Slavery in Texas, and the latitude which was to control its locality. Thus we find, as late as 1850, that the Missouri Compromise, which had been extended through Texas, was again in effect recognised by Congress as a part of the legislation of 1850. If so, how could the legislation of 1850 have rendered the Missouri Compromise "inoperative and void?"

I have felt myself justified in thus reviewing the action of the National Legislature, up to 1848-'50, in reference to this subject, from which it will appear that it was always regarded by the people of the South as a favorite proposition, in relation to the origin and practical operations of which no complaint whatever had been heard.

I must, in this connection, introduce one or two witnesses, who have heretofore been regarded by the people of the South as entitled to credit. One of them, [Mr. Polk,] now no more, maintained a high character for veracity, and was a favorite with his party in Tennessee up to the period of his death. In 1848, President Polk communicated to Congress his reasons for approving the bill establishing a Territorial Government for Oregon, with a restriction prohibiting Slavery-which restriction was similar in effect to the "Wilmot Proviso." Among other reasons for approving the bill, Mr. Polk assigns the following:

"In December, 1819, application was made to Congress by the people of Missouri Territory for admission into the Union as a State. The discussion upon the subject in Congress involved the question of Slavery, and was prosecuted with such violence as to produce excitements alarming to every patriot in the Union. But the good genius of conciliation, which presided at the birth of our institutions, finally prevailed, and the Missouri Compromise was

adopted. * * *
"The Missouri question had excited intense agitation of the public mind, and threatened to divide the country into geographical parties, alienating the feelings of attachment which each portion of our Union should bear to every other. The compromise allayed the excitement, tranquillized the popular mind, and restored confidence and fraternal feelings. Its authors were hailed as public benefactors. "Ought we now to disturb the Missouri and Texas

Compromises? Ought we, at this late day, in attempting to annul what has been so long established, and acquiesced in, to excite sectional divisions and joalousies, to alienate the people of different portions of the Union from each other, and to endanger the existence of the Union itself?"

I see now, in his seat, one of my colleagues,

ment by Texas of all territory claimed by her [Mr. George W. Jones,] who was a member of

this House at the time this message was submitted to Congress. He voted for the bill organizing a Territorial Government for Oregon. He heard that message of Mr. Polk, and approved it. I know how he answered these grave questions at the time they were propounded, and I would to-day repeat to him the questions propounded by Mr. Polk: "Ought we now to disturb the Missouri and Texas Compromises? Ought we at this late day, in attempting to annul what has been so long established and acquiesced in, to excite SECTIONAL DIVISIONS, to alienate the people of different portions of the Union from each other, and TO ENDANGER THE EXISTENCE OF THE UNION IT-SELF?" These were grave questions at the time, and the country responded with a united voice: NO! I ask, what is there in the condition of the public mind, at this time, which renders these questions less momentous than in 1848? been less than four years since we passed through an intense excitement growing out of the institution of Slavery. The bitterness of that excitement is yet felt by many, and the wounds which vere then inflicted have not all been healed, and I think the condition of the country is not now better suited to this hazardous experiment than in 1848, when none were found so bold as to attempt it.

In this connection may be submitted the testimony of the Senator from Illinois [Mr. Dovelas.] His competency as a witness all admit, and his credibility his friends ought not to question. He is the champion of this proposition of repeal, and

urges it with all all the energy of desperation.
On the 23d of October, 1849, he made a speech
at Springfield, Illinois, in which he alluded to the
Missouri Compromise as follows:

"The Misseuri Compromise had then been in practical operation for about a quarter of a century, and had received the sanction and approbation of men of all parties, in every section of the Union. It had allayed all sectional jealousies and irritations growing out of this vexed question, and harmonized and tranquillised the whole country. It had given to HENRY questions of the Creat Resignation, and harmonized and tranquillised the whole country. But a given to the Kentar Creat Resignation, and harmonized and for that service, his political friends had repeatedly appealed to the people to rally under his standard as a Presidential candidate, as the man who had exhibited the particism and the power to suppress an unholy and treasonable agitation, and preserve the Union. He was not aware that any man or any party, from any section of the Union, had ever urged as an objection to Mr. CLAY, that he was the great champion of the Missouri Compromise. On the contrary, the effort was made by the opponents of Mr. The contrary, the effort was made by the opponents of Mr. tays, the fort was made by the opponents of Mr. after the honor was equally due to others as well as him, for securing its adoption—that it had its origin in the hearts of all particide men who desired to preserve and perpetuate the blessings of our glorious Union—an origin akin to that of the Constitution of the United States, conceived in the same spirit of fraternal affection, and calculated to remove forever the only danger which seemed to threaton, at some distant day, to sever the ocial bond of union. All the evidences of the American people, as a marced thing, which no rathless hand would ever be reckless enough to distarts."

Mr. Chairman, it is worthy of observation, that each sectional agitation of the Slavery question has grown, directly or indirectly, out of the acquisition of foreign territory. The great Missouri controversy was the unexpected result of that wise policy of Mr. Jefferson, which secured to this Government the Territory of Louisiana. The peaceful annexation of Texas, in 1845, was not accomplished, without some show of opposition from the public sentiment of the North, the traces of which are still to be seen; but, as Slavery existed in Texas before annexation, the public opinion of the Northern section of the Union soon became composed. The ratification of the treaty of Guadalupe Hidalgo, in 1848, announced the termination of the war with Mexico. That treaty brought territorial acquisitions, sufficient in extent for a vast empire, and extended our national jurisdiction from the shores of the Atlantic to the Pacific ocean; but, sir, it brought, also, the demon of domestic discord.

Those citizen soldiers who had shown themselves invincible in battle, and who, under the stars and stripes of the Federal Union, had won for themselves Immortality, for their country Fame, were recalled from the "tented field" to witness that memorable struggle, which so long imperilled the glory of their recent achievements, and shook the pillars of that Union which is the palladium of our liberties, and the ark of our National safety.

I allude, sir, to the great contest of 1850. That contest was important, in view of the numbers who partook of the maddening excitement of the times; remarkable for the duration of the struggle; and, finally, assumed an intense interest, when politicians began deliberately to calculate the cost of the Union, and to paint the glories of Northern and Southern confederacies.

Tennessee was named as the State, and the vicinity of the "Hermitage" as the place, for the assemblage of those who, after calculating the value of the Union, were ready to take counsel together as to "the mode and measure of redress." At that convention, the Constitution was denounced in violent and bitter terms, and "Secession" was regarded by many as synony-mous with Independence. At this stage of affairs, the people of Tennessee became alarmed. That alarm, or anxiety, quickly pervaded a large portion of the people of the South, who, in their devotion to the Union, felt that it was in danger, and they deliberately resolved to withdraw its keeping from the hands of those who wantonly perilled its safety, or despaired of its preservation.

Between the two meetings of this "Nashville Convention," the Compromise Measures of 1850 were passed by Congress. They embraced a final settlement of all the questions of Slavery, growing out of territorial acquisitions from Mexico. Against these measures a portion of the most influential men of the South arrayed themselves in fierce and bitter hostility. Opposition thereto was the rallying point of the disaffected. Upon that opposition they took their stand, and declared that the "gates of Hell should not prevail against it." The controversy between the Union party of the

South, who accorded a cheerful support to those measures, and the so-called "Southern Rights" men, who "acquiesced" when they were vanquished at the polls, was long and bitter. It resulted, however, in a triumph of the Union party, and those who had been the original friends of the late adjustment.

While this contest was being determined at the South, a battle of opposition to those measures was raging at the North. In some of the Northern States, doubt for a long time hung over the result; but the Union-loving and conservative spirit of the country prevailed there also, and "higher law" on the one hand, and "secession"

on the other, were quieted and put down. But the great Slavery agitation of 1850 had been too fierce, and had aroused too much of patriotic interest throughout the country, to be forgotten with the consummation of that adjustment, which gave repose to the public mind. The wisest and most patriotic men of all parties began to inquire if there were no means by which the agitation of the subject of Slavery could be removed from the Halls of Congress. The end was worthy of any honorable means, and the best and most eminent citizens resolved to aid in its accomplishment. Among the first to conceive, and the boldest to execute, this determination was that departed statesman, whose fame and public services, for more than thirty years, have been inseparably connected with our National bistory-a statesman who had been always found first at the post of danger, and who guarded with sleepless vigilance every approach from the enemies of the Union, or the disturbers of its tran-

Soon after the passage of the Compromise acts of 1850, and while extreme men at the North were connelling resistance to those measures, and violent men at the South were denouncing them as a concession to Northern fanaticism, Henry Clay raised his potential voice in favor of the finality of that adjustment, and against all who were not known to be opposed to a disturbance of that settlement, and to the "renewal may form of opitation upon the subject of Stavery."

Great and good men, of all parties and from all sections of the country, promptly rallied round Mr. Clay, and with him recorded their pledge of honor in favor of the measures of 1850, and against all further agitation.

During the year 1850, Mr. Clay and his associates, all of whom were members of the thirty-first Congress, prepared and published to the world

the following

DECLARATION AND PLEDGE.

The undersigned, members of the Thirty-first Congress of the United States, believing that a renewal of sectional controversy upon the subject of Slavery would be both dangerous to the Union and destructive to its objects, and seoing no mode by which such controversies can be avoided, except by a strict adherence to the settlement thereof effected by the compromise passed at the last session of Congress, do hereby declare their intention to maintain the same settlement inviolate, and to resist all attempts to repeal or after the nots aforesaid, unless by the general consent of he friends of the measure, and to remedy such syils, if any, as time and experience may develop. And

for the purpose of making this resolution effective, they further declare that they will not support, for the office of President or Vice President, or of Senator or of Representative in Congress, or as Member of a State Legislature any man, of whater party, who is not known to be opposed to the disturbance of the settlement aforesaid, and to the renowal, in any form, of agitation upon the subject of Slavery hereafter.

Henry Clay, Howell Cobb, H. S. Foote, C. S. Morehead, Robert L. Rose, William Duer, William C Dawson, Thomas J. Rusk, James Brooks, Alex H. Stephens. Jeremiah Clemens, James Cooper, M. P. Gentry Henry W. H lliard, F. E. McLean, Themas G. Pratt William M. Gwin, A. G. Watkins, Samuel A. Eliot, David Outlaw. H. A. Bullard, T. S. Haymond, C. H. Williams, A. H. Sheppard, J. Phillips Phoenix. A. M. Schermerhera. Daniel Breck, John R. Thurman, James L. Johnson, D. A. Bokee. J. B. Thompson, J. M Anderson, George R. Andrews, W. P. Mangum, John B. Kerr, Jeremiah Morton. J. P. Caldwell Edmund Deberry R. I. Bowie, Humphrey Marshall, Allen F. Owen. E. C. Cabell Alexander Evans.

Among those who signed this pledge, are the entire Whig delegation, at that time, in the House of Representatives, from Tennessee—Williams, Gentry, Watkins, and Anderson. With three of them I am personally acquainted, and the fourth enjoys too high a character for talents and particists mot to be known by reputation to every Tennessean—and without knowing the sentiments of these gentlemen, I doubt not they and each of them still remember and recognise the binding

obligations of that pledge.

This declaration, at the time, might have seemed but a feeble effort towards quieting agitation, but, sir, Time has demonstrated that it was a suitable forerunner of the events which were to follow. Very soon, similar sentiments began to be expressed in primary assemblies of the people, in county and State conventions, in the Legislatures of different States, and in Congressional caucuses. And when, in 1852, the Whig and Democratic parties met at Baltimore to make their Presidential nominations, so powerful and overwhelming was the public sentiment of the country in favor of those measures, that each Convention incorporated the sentiments of the pledge I have read into their platform of principles, and proclaimed to the world that acquiescence therein should be regarded as a test of political orthodoxy.

Among the resolutions adopted by the Democratic party is the following:

"5. Resolved, That the Democratic party will resist all attempts at renewing, in Congress or out of it, the acitation of the Slavery question, under whatever shape or color the attempt may be made."

Here, sir, we have the deliberate pledge of the Democratic party, made by the Convention which nominated Mr. Pierce, that they would "nesist ALL ATTEMPTS AT RENEWINS, IN CONGRESS OR OUT OF IT, THE AGITATION OF THE SLATERY QUESTION," and

hat resistance is promised us " UNDER WHATEVER | SHAPE OR COLOR THE ATTEMPT MAY BE MADE." True, sir, I never attached very much importance to this resolution, although I then and now think it asserted a proper and necessary line of policy for any party to have pursued, which preferred the peace of the country to the ravings of fanaticism; but I have said elsewhere that which I will avow_here, that I had no confidence in the ability or sincerity of the various factions who composed that Convention, to discourage or discountenance the agitation of Slavery, whenever that agitation might be thought necessary to their retaining or securing power. I still think so, and subsequent events have confirmed me in that opinion.

The Whig Convention met a few days after the nomination of Mr. Pieree. Before the Southern Whigs would consent to make a nomination for President, they demanded that the Convention should assert the principles upon which the canvass was to be conducted, and, especially, that a guarantee should be given, by which the country should be assured of repose from the dangerous Slavery controversies, which had caused so much apprehension during the administration of Mr. Fillmore. That guarantee was given by the Convention, in the adoption of the following resolution:

" Resolved. That the series of acts of the Thirty-first Congress, commonly known as the Compromise Adjustment, (the act for the recovery of fugitives from labor included,) are received and acquiesced in by the Whigs of the United States as a final settlement, in principle and substance, of the subjects to which they relate; and, so far as these acts are concerned, we will maintain them, and insist on their strict enforcement, until time and experience shall demon-strate the necessity of further legislation to guard against the evasion of the laws on the one hand, and the abuse of their present efficiency to carry out the requirements of the Constitution; and we deprecate all further agitation of the questions thus settled, as dangerous to our peace, and will discountenance all efforts to continue or renew such sgitation, whenever, wherever, or however made; and we will maintain this settlement as essential to the nationality of the Whig party and the integrity of the Union.

The meeting of these Conventions gave satisfaction, in one respect, at least, to the largest portion of the American people; for while many Whigs and Democrats disapproved of the nominations, still, they could perceive, in the resolutions adopted by the Conventions, an assurance that the triumph of either candidate would bring us four years of domestic tranquillity. The result of the election disclosed the fact, that about three millions of freemen had recorded their votes in favor of Scott and Pierce, while not over three hundred thousand had expressed a preference for Hale, the candidate of the Abolitionists, and less than ten thousand had voted for Troup, the candidate of the extreme mcn of the South. Thus, sir, the compromise measures of 1850 were ratified and endorsed at the polls, by the great body of the people.

Mr. Pierce was inaugurated on the 4th of March, 1853. At that time, he pledged himself, in the presence of assembled thousands, to a faithful support of these measures, which he then declared to be eminently just and constitutional. That pledge elicited the applause of his friends, and wrung from his enemies the tribute of praise.

At the meeting of Congress, in December last, great anxiety was manifested for the reception of his first message, which, it was supposed, would define his administrative policy. That message was true to the conservative sentiment of the country in this respect, and to the platform upon which he had been elected; and he announced that during his administration the repose of the country should suffer no shock, if he had the power to avert it.

I can commend, with confidence, to all those who are now engaged in this new crusade against the public repose, the following from the message of the President, at the opening of Congress:

"It is no part of my purpose to give prominence to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise, and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfil the object of a wise design. When the grave shall have closed over all who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension. A successful war had just terminated. Peace brought with it a vast augmentation of territory. Disturbing questions arose, hearing upon the domestic institutions of one portion of the Confederacy, and involving the constitutional rights of the States. But, notwithstanding differences of opinion and sentiment, which then existed in relation to details, and specific provisions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, had given renewed vigor to our institutions, and restored a sense of repose and security to the public mind throughout the Confederacy. That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be assured."

I ask gentlemen if the signs of the times do not already indicate that the repose which we were promised at the commencement of this Congress, is not now disturbed? Sir, is it not in a fair way to be destroyed?

If we attach any importance to the demonstrations which are being made throughout the country, and the occurrences which have so recently transpired here, or credit the predictions of some of our colleagues, we are now on the verge of imminent danger. But a few days ago, the gendleman from South Carolina, [Mr. Baooss,] in a speech which indicated great sincerity and ability, used this language:

"Mr. Chairman, the cry that the Union is in dangor has been so often raised, that men have ceased to regard it. But, sir, disunion may come while we are sleeping in security. Before God, T believe that if this bill * * * falls to past this House, we will be in greater danger of disnnion than at any time since the formation of this Government.

"I make no threat of disunion. The failure of the passage of this bill may not so result. But, sir, our young men are becoming familiar with the sound of a word which was breathed by their sires only in secresy, or forced from their lips by the agony of accumulated wrong."

If this be true, sir, where is the repose which

we were assured would result from the election of Mr. Pierce, and which he promised us, at the opening of Congress, should suffer no shock?

The truth is, we are launching once more upon the turbulent sea of experiment. We are to forget every lesson of the past, and the admonitions of the purest and wisest men who have ever been in our National Councils. The struggles which patriotism has had with faction and fanaticism are to be regarded as so many exhibitions of weakness, folly, and timidity, and we are to be ked and explore those paths which a Clay, a King, and a Lowndes, have refused to tread—for, it has been but a very few days since the gentleman from Virginia [Mr. FAULKNER] announced to this HOUSE, that after

"A struggle, longer in duration than the celebrated religious wars of Europe, we find ourselves, in the progress of the political cycle, at the very point at which this unwise and unwarrantable agitation commenced."

If this be so, of what value was that "FINAL SET-TLEMENT," that "ROD OF THE AGITATION," Of Which the gentleman's party boasted in 1852, and upon which Mr. Pierce was elected? If this be so, to what little purpose did the great statesman of the West return in his old age to the theatre of his sarilest achievements, there to offer up his life as a willing sacrifice, on the altar of the Federal Union?

I, sir, will not believe the past has been all a delusion and a cheat, and I doubt not the people of this country will yet attest, in a manner which cannot be mistaken, their devotion to the settlement of 1850, their conviction that it was intended to be final, and their determination that it shall be

Sir, while all men are to a greater or less extent the creaturs of education, most of them are inclined to adopt certain peculiarities, and to imilate those qualities and aim at those achievements in others, which have been pronounced most rare and remarkable.

This disposition to imitation, while it is quite general, seems of late years to have had unusual way over the legal profession, and many have displayed no mean ambition in attempting to play part as mirraculous, in some respects, as that which marked the life of one of the greatest lawers of antiquity. I allude, sir, to that great Apostle, who was brought up "at the feet of Gamaliel," and whose sudden and mirraculous conversion, while on the road to Damascus, was but another evidence of the Divine power of the Christian religion.

I do not think, however, that the sudden conrersion of St. Paul, while travelling from Jerusaim to Damascus, justifies the fantastic tricks
and political summersets which we so often witness among those political lawyers, who earn
their daily bread by persecuting the Whigs.
Faul was suddenly changed from a sinner to a
sint. Senators, politicians, and newspaper editries, are changed just as quickly in the 19th cenlury, but the parallel holds good no further; for
blose who exclaimed, four months ago, "her wellNOUGH ADDE," tooch not the "SOLEMN CONEANT,"
will "INVOLVE THE BAME GRAVE ISSUES WHICH
FOUCHS THE SAUE GRAVE ISSUES WHICH

THE FEARFUL STRUGGLE, OF 1850," will not be regarded by the country, in their attempts to repeal the Missouri Compromise, as more sincere than when, a short time ago, they maintained its inviolability; and as the days of miracles have ceased, the country will be anxious to know what "GREAT LIGHT" Shone so suddenly as to cause this wonderful change.

Why, sir, but yesterday, the Missouri Compromise might have "stood against the world," now it is reviled and spurned by those who, at the opening of this Congress, were prepared to do it reverence.

On the 4th of January, 1854, a Senator from Illinois, [Mr. Doucaas,] and chairman of the Committee on Territories, made a report to the Senate upon the Nebraska bill. The Senate's committee, after examining the whole subject, found nothing worthly of especial notice, and did nothing but make a scritten argument and report against repealing the Missouri Compromise. Here is an extract from that report. After alluding to the existence of the Missouri Compromise, and noticing its effect upon the Nebraska Territory, Mr. Doucaas goes on to say.

"Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle, of 1850. As Congress deemed it wise an arrival to refrain from deciding the matter in Maxisan laws, or by an act decleatory of the true intent of the Constitution, and the extent of the production afforded by it to the slave property in the Territories, so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the 8th section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute.

tion in respect to the legal points in dispute.
"Your committee deem it fortunate for the peace
of the country and the security of the Union, that the
controversy then resulted in the adoption of the Compromise Measures, which the two great political parties, with singular unanimity, have affirmed as a cardinal article of their faith, and proclaimed to the
world as a final settlement of the controversy and an
end of the agitation. A due respect, therefore, for
the avowed opinions of Senators as well as a proper
the propriety and necessity of a strict adherence to
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Here, sir, we have the deliberate statement of Mr. Doucias, as late as the 4th of January, 1854, that to repeal the Missouri Compromise, or to disturb it in any way, would "INFOURT THE SAME GRAYE ISSUES WHICH PRODUCED THE AGITATION, THE SECTIONAL STRIPE, AND THE PEARFUL STRUGGLE, OF 1850." I still think so, and I know nothing in the condition of the country nineteen days afterwards, which, in my judgment, rendered it more necessary or safe to tamper thus with the public peace.

As soon as this report had been made to the Senate, Mr. Dixon, a Whig Senator from Kentucky, (whose successor has long since been elected,) submitted a proposition to repeal the Missouri Compromise. Thereupon the Washington Union,

5.00

the friends of the Aministration to its protection from this covert assault of a Whig, by urging all from this covert assaut of a wing, by urging all good Democrats to athere to the Pierce platform of 1852, and "to hesitate and reflect maturely upon any proposition" which a Democrat could object to as an interpolation of that platform. Mr. Nicholson said, and said wisely, "LEW WELL ENOUGH ALONE." So said the people, North and South, and such had been the sentiment of the country for more than a generation. The following extracts from Mr. Nicholson's paper, of the 20th January last, I cheerfully commend to his numerous friends throughout the country, both on account of the sensible conclusions at which he arrived, and of the high character he maintains with the President and his party.

"THE MISSOURI COMPROMISE.-We have expressed our cordial approval of the bill introduced by Mr. Douglas, providing a Territorial Government for Ne-braska. It will be remembered that the bill, as proposed to be amended by Mr Douglas, re-enacts and applies to Nebraska the clause on S avery adopted in the compromise of 1850. That clause is silent as to the question of Slavery during the Territorial condition of the inhabitants, but expressly recognises and asserts their right to come into the Union as a State, either with or without the institution of Slavery, as they may determine in their Constitution. Two propositions have been made in the Senate—one by Senator Dixon, a Whig, and the other by Senator Sumner, an Abolitionist-which indicate that the bull, as proposed by Mr. Douglas, is to be vigoronsly assailed. Mr. Dixon proposes to amend it by a clause expressly repealing the act of 1820, commonly known as the Missouri Compromise. Mr Sumner proposes to amend it by expressly declaring that the Missouri Compromise is to continue in force.

"We are free to declare that we should have been content to see the question thus presented left where the compromise of 1850 and the bill of Judge Douglas both left it: and yet it would be uncanded in us if we did not add, that a clause in the Compromise of 1850 and in Mr. Douglas's Nebraska bill, declaring the act of 1820 null and void because it contravenes principle of Congressional non intervention. the principle of Congressional non intervention, would have made both of these measures mor in cons nance with our opinions and wishes. But we accepted the acts of 1850 as they were passed, and approved their passege as a final compromise; and in the same spirit we have been sontent with the perpetuation of that compromise, as pro-posed by Mr. Donglas's Nebra ka bill. We have never yielded to the Missouri Compromise any other obligatory force than that which attaches to a solemn covenant entered into by two opposing parties for the preservation of amicable relations. To such considerations we have felt bound to yield as ready an acquiescence as if the Compromise was the law of the land, not only in form, but in substance and reality. Viewed as a legal question, we should be constrained to pronounce it unsustained by constitutional au thority; viewed as the evidence of a compromise of conflicting interests and opinions, we have been ready to waive the legal question, and to abide faithfully by its terms. If we have studied the Southern sentiment correctly, tole has been the view taken of the Missouri Compromise in that division of the Union.

"But Mr. Dixon's amendment may serve to stir up excitement on one side, whilst Mr. Sumner's will effect the like object on the other; and, as Whigism and Abolitionism have nothing to gain and nothing to lose, the upshot may be that the agitation may inure to the benefit of the common opposition to the

edited by Mr. Nicholson, a Tennessean, rallied Democratic party. Prudence, patriotism, devotion to suggest that the public sentiment which new sequi-esces cheerfully in the principles of the compromise of 1850 should not be inconsiderately disturbed. The triumphant election of President Place shows that on this basis the hearts and the judgments of the people are with the Democracy. We may venture to suggest that it is well worthy of consideration whether a faithful adherence to the creed which has been so triumphantly endorsed by the People does not require all good Demograts to hesitate and reflect maturely upon any proposition which any member of our party can object to as an interpolation upon that creed. In a word, it would be wise in all Democrats to consider whether it would not be safest to "LET WELL ENOUGH ALONE." To repeal the Missouri Compromise might, and, according to our view, would, To repeal the Missouri clear the principle of Congressional non-intervention of all embarrassment; but we doubt whether the good thus promised is so important that it would be wise to seek it through the agitation which necessa-rily stands in our path Upon a calm review of the whole ground, we yet see no such reasons for disturting the compromise of 1850 as could induce us to advocate either of the amendments proposed to Mr. Douglas's bill."

Such, I say, sir, were the sentiments of the leaders of the Administration in 1854; for the editor of the Union, [Mr. Nicholson,] and the Senator from Illinois, [Mr. Douglas,] are the leaders of the Administration party. The opinions of the former are echoed and re-echoed by every newspaper in the employment of the Government, so far as I know, without an exception. He is a gentleman of more ability than many of his traducers, and, with the aid of the press he so ably controls, more powerful than the President

in the formation of public sentment.

The Senator from Illinois [Mr. Douglas] has been for a long time the hope and pride of Young America; and so confident are his friends that he will soon be more than "heir apparent to the succession," I doubt not some official expectants are now considering the mode and manner of distributing the spoils.

I say, sir, such were the sentiments of these leaders of the "Administration party" in January, 1854. I took my stand with them then, and I

shall not desert my position now.

Sir, when, on the 4th of January last, Mr. DougLAS made his report against the repeal of the Missouri Compromise, I took my position with him. When, on the 16th of the same month, Mr. Dixon, a Whig Senator, offered his amendment, proposing to repeal that Compromise, I entered my protest against the movement. And when on the 20th of January, Mr. Nicholson took ground, in the columns of the Union, against Mr. Dixon's amendment, I endorsed the views of Mr. Nicholson, and I now appeal to my colleague from the Mauray district, whom I see in his seat, [Mr. George W. Jones,] and with whom I have conversed more upon this subject than with any other member of this body, if from the beginning of this controversy I have not uniformly held to the views presented by Mr. Douglas in his report, and to what I supposed, at the time, were the sentiments of the Administration, as expressed by Mr. Nicholson in his newspaper; and further, if I did not, from the first, express my disapprobation of the proposition of Mr. DIXON?

Mr. ETHERIDGE. Sir, I knew my colleaguewho has a reputation for three things, regard for truth, guardianship over the Treasury, and fealty to his party-would not fail to do me justice. [Laughter.] But, sir, I am now required to abandon my position for the benefit of the Administration, when I refused to do it for a member of my own party. This, sir, I will NEVER DO, until reason convinces me that I am wrong. But they (Nicholson and Douglas) are both at this time loud, and seemingly earnest, in their advocacy of the repeal of the Missouri Compromise, and some of their friends and followers declare that those who still adhere to the opinions they have so recently abandoned are to be regarded as opposed to the true interests of the South. I do not think so. I believe those gentlemen were right four months ago, when they opposed a repeal of the Missouri Compromise. Neither of them have attempted to answer the arguments they respectively urged at that time against the repeal. They cannot do so.

Now, I may be regarded by some as guilty of an attempt to impugn the motives of eminent gentlemen, who have thus suddenly changed position upon a great public question. Such, sir, is not my purpose. They are, perhaps, much wiser now than then, and may thus justify their sudden change; but it should make them, their followers and admirers, more charitable to those who, like myself, still stand firm in the faith they so recently professed.

But it is needless, and I think improper, to say more of those gentlemen to whom I have referred, for, sir, here, at this time, and in this Hall, and within the sound of my voice, are those who occapy no better position. In fact, I think they will have more difficulty than any others in making the people believe in the sincerity or good sense of their present zeal for the repeal of the act of 1820.

I should be pleased to hear some gentlemen who were members of the last Congress meet the point I will now make: It is said by some that the Missouri Compromise was superseded by the legislation of 1850; by others, that it was intended to be; and by another portion, that it ought to

Now, at the last Congress, which closed its labors the 4th of March, 1853, the House of Representatives passed, by a very large vote, a bill to organize this same Territory of Nebraska, which was lost in the Senate, for want of time to consider it. That bill said not one word about Slavery, or the repeal of the Missouri Compromise. There are about fifty members here now, who were of the last Congress. Many of them voted for the bill which passed this House in February, 1853. The question which I wish answered, when I take my seat, is this: Why did you not, when the bill was under consideration at the last Congress, propose, by amendment, or in some way, to declare the Missouri Compromise "inoperative and void," or to repeal it?

You cannot say it was overlooked or forgotten, for the following scene and debate occurred in

Mr. GEORGE W. JONES. The facts are that | the House of Representatives on the 8th of February, 1853. The present chairman of the Committee on Territories had the floor, and yielded it for but a moment. He and the House were bound to have heard what followed:

"Mr. John W. Howe. I wish to inquire of the gentleman from Ohio, [Mr Giddings,] who I see in his seat now, and who I believe is a member of the Committee on Territories, why the Ordinance of 1787 is not incorporated in this bill? [Laughter.] I should like to know whether he or the committee were intimidated on account of the platforms of 1852. [Laughter.] The gentleman pretends to be some-thing of an Anti Slavery man; at least I have under-

"Mr. GIDDINGS. With the permission of the gentleman from Illinois, [Mr. Richardson.] I will say to my friend that the south line of this Territory is 36 deg. 30 min. The law authorizing the people of Missouri to form a State Government, enacted in 1820,

provides, in express language-

"'That in all that territory eeded by France to the United States, under the name of Louisiana, which lies north of 36 deg. 30 min. north latitude, not included within the limits of the State contemplated by that act, (Missouri,) slavery and involuntary servitude, otherwise than for crimes whereof the parties shall have been duly convicted, shall be, and is HERE-FOREVER PROHIBITED '

"This law (said Mr. Giddings) stands perpetually, and I did not think that this act would receive any increased validity by a re enactment. There I leave the matter. It is very clear that the territory included in that treaty must be forever free, unless that

law be repealed. "Mr. John W. Howe I should like to know from

the gentleman from Ohio, if he has not some recollection of a compromise made since that time?
"Mr. Giddings. That does not affect the ques-

Sir, this conversation occurred in the presence of this House, on the 8th of February, 1853, while the Nebraska bill was under consideration, and in presence of the chairman of the Committee on Territories, [Mr. Richardson,] who now acts as guardian ad litem for this bill, and who is pressing it with all the energy in his power. You, sir, my colleague from the Knoxville district, [Mr. CHURCHWELL,] who is now present, and the honorable gentleman from the Mauray district, [Mr. Jones, were all members of the last Congress. The able gentleman from Georgia [Mr. Stephens] was also present when this conversation occurred between Messrs. Howe and Giddings. Mr. WM. H. Polk, of Tennessee, was in his seat at the time, and was a party to what was said. The chairman of the Committee on Territories [Mr. RICH-ARDSON | was in possession of the floor, and Mr. GIDDINGS spoke by his permission. The effect of the compromise measures of 1850, and the Whig and Democratic platforms of 1852, as well as of the Missouri Compromise, were all brought to the notice of the House by Mr. Giddings, who was better calculated than any other member of that body to excite the apprehensions of the South. We find him reading the Missouri Compromise to the House, and relying on it as an exclusion of Slavery north of 36° 30'. Now, sir, I ask my colleagues, and every member of this body who was of the last Congress, why you permitted the bill to pass at the last session for organizing a Government for this same Territory,

without declaring the Missouri Compromise "su-perseded," "inoperative and void," or repealed? More than this: why did you permit that bill to pass the House at that time without any reference watever to the subject of SLAVERY? When I take my seat, or before this debate closes, I wish these questions answered, especially by my colleagues. Sir, the answer must be obvious. No human being ever supposed that the legislation of 1850 was inconsistent with or superseded the Missouri Compromise, until since the beginning of the present year. The bill of the last session, on its passage in this House, was voted for by ANDREW JOHNSON, and though it did not mention Slavery, yet, sir, on his return home, he was met by the people of Tennessee with every demonstration of joy. They soon thereafter elected him Governor of the State. In the exciting canvass which preceded his election, and when his political opponents were exerting themselves to defeat him, neither partisan nor personal malignity were bold enough to complain of his having voted to give Nebraska and Kansas a Territorial Government, which was silent as to Slavery and the Missouri Compromise.

The bill of the last session, so soon as it passed the House, was sent to the Senate, and referred to the Committee on Territories. Mr. Douglas, the chairman of that committee, reported it back to the Senate without amendment, and insisted on its passage. While it was under dist cussion in the Senate, Mr. Archisok, the present Vice President of the United States, said.

"I have always been of opinion the the first great error committed in the political history of this country was the Ordinance of 1787, rendering the Northwest Territory free territory. The next great errors was the Missouri Compromise. But they are both irremediable. There is no remedy for them We must submit to them. I am prepried to do it. It is evident that the Missouri Compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, of five or ten years hence."—Congressional Globe, 2d sess. 32d Congress, Vol. 26, p. 113.

In looking to the various objections which were urged against the bill at the last session, in the House and in the Senate, it will be found that no one insisted the Missouri Compromise was inconsistent with the legislation of 1850, had been superseded, or ought to be repealed.

My colleague [Mr. READY] stated a few minutes ago, that by the legislation of 1850 it was intended to furnish a rule, or principle, to be applied hereafter in the formation of Territorial Governments. The action of the last Congress proves that no such opinion prevailed as late as 1853, and the establishment of a Government for the Territory of Washington, since the compromise measures of 1850, without any reference to Slavery, is additional proof that the opinion is new, and not supported by facts. From the passage of the measures of 1850, until the present attempt to repeal the Missouri Compromise, no politician or statesman has ventured to risk an opinion, that the territory acquired from France in 1803 (of which Nebraska and Kansas are a part) was embraced in the legislation of 1850, and the opinion

would not now be urged, were it not necessary as the only plausible pretext offered for the abrogation of the Missouri Compromise line.

Sir, the finality resolution, adopted by the Whig Convention at Baltimore, in 1852, and which was penned by a Southern gentleman (Mr. Humphrey Marshall, of Kentucky,) asserts the compromise measures of 1850 to be "a final settlemen", in principle and substance, of the Subjects to which they RELATE." What were these subjects? They were the regulation of the slave trade in the District of Columbia; the fugitive slave law; the settlement of the boundary of Texas; the admission of California as a State; and the establishment of Territorial Governments for Utah and New Mexico, within which was included the territory we acquired from Mexico, except that portion embraced within the limits of California. subjects, alone, did the adjustment measures of 1850 relate. In all that was said in and out of Congress, in 1850, it cannot be shown, that any person supposed the legislation of that year embraced or affected in any way Nebraska and Kansas, which we had acquired from France in 1803, and which is north of the line of 36° 30' nor is there anything to be found in either of the acts of 1850, which, according to any rule for construing law or language, alludes to, or embraces within its spirit or provisions, the Territories proposed to be organized by this bill. These measures were applied to the Territory we had acquired from Mexico only. The Missouri Compromise line was applied to the Territory we purchased from France in 1803. These Territories were acquired at different times, in a different manner and from separate and distinct Powers. The Missouri Compromise embraced all the territory we owned in 1820, west of the Mississippi river. It was afterwards applied to Texas by being inserted in the resolution of annexation. When, in 1848, we acquired a vast territory from Mexico, various efforts and propositions were made, to extend this same Missouri Compromise line to the Pacific Ocean. These propositions were rejected and refused by the members from the free Sta'e . The result was, an intense agitation of the subject of Slavery, and, finally, the adoption of the compromise measures of 1850. Now, sir, if any proof were wanting to show that the friends of this bill cannot fairly and justly conclude the Missouri Compromise act of 1820 was superseded by the legislation of 1850, it is found in the fact, that this bill proposes to declare the act of 1820 "inoperative and void," only so far as it affects Nebraska and Kansas, while this same Missouri Compromise act is to be left in full force in the organized Territories of Minnesota, Oregon, and Washington; and in Texas, through which it was extended, as I have before stated, by the resolution of annexation.

If the line of 36° 30′ has been to us, as gentlemen have asserted in debate, "the source of unnumbered woes," sound policy and right reason would seem to demand its total annihilation, rather than this repeal of a part only; yet no gentleman, up to this time, has exhibited boldness enough to propose its abrogation in Texas, or to declare it inoperative in the Territories of Oregon,

Washington, and Minnesota. I will not be so unceds from a desire to preserve some materiel for another Slavery agitation, but such will be the regult, should any attempt hereafter be made to repeal or annul that portion of the Missouri Compromise line, which operates on Texas and the Territories of Oregon, Minnesota, and Washington. As I am opposed to all further agitation, "in Congress or out of it," I prefer that the Missouri Compromise act be repealed altogether, or left wholly undisturbed.

I have not time, now, to examine or comment upon the details of this bill. They are such as, in my judgment, will not and ought not to be regarded with favor by the people of the South, unless there has been a radical change in public sentiment, in that portion of the country, within a short period. The celebrated "Badger proviso," in the chiaion of its author and the Southern supporters of the bill, means nothing. The gentleman from Alabama, [Mr. Phillips,] while advocating the bill, declared the proviso to be "simply tautological, and could have been intendd only to quiet the apprehension of Northern gentlemen, whose knowledge of law was not equal to their caution." I may or may not endorse this equivocal compliment to Northern members. It remains yet to be ascertained who is the better lawyer. My present opinion is, that the Northern commentary on that particular chapter of the political sayings and remarkable doings of Judge Badger will prove the correct one, and that the South loses, by the proviso, about all it is offered by the repeal of the act of 1820. But why should Northern members have exhibited this strange caution, if they were honestly and in good faith in favor of a repeal of the Missouri Compromise? If they were for the repeal, they should have declared themselves ready for the responsibility and the consequences. But Northern votes were needed, and they could be had if some plausible pretext were offered, by which they might be able to turn that vote to a good account at home; and that pretext was furnished by this Badger proviso, which, in the South, is to be construed as meanless, and "signifying nothing," while in the free States it is to be regarded as annulling the natural and legal consequences which would result from a plain repeal of the act of 1820.

I must hurry over that feature in the bill which confers on the first Legislature, that convenes in the Territory, the power "to form and regulate their domestic institutions in their own way," and under which slaves will be excluded from the Territories, before they are formed into States. This, sir, is not the rule or the principle for which the slave States have contended, but the opposite. The position of the South in 1848, 1849, and 1850, was, that slaveholders had right to earry their slaves into the organized Perritories, and that Slavery could not be excluled therefrom, by any power or in any manner, out by such constitution of State Government as night be adopted by the people of the Territories, preparatory to being admitted into the Union These positions are abandoned by this bill; and he South, while it is to be charmed by the repeal of the Missouri Compromise, is handed over to the tender mercies of what gentlemen are pleased to term "Squatter Sovereignty," although that "Sovereignty" may be made up of unnaturalized adventurers from all parts of the world. But I promised not to examine the details of the bill. I will proceed to the consideration of an inquiry, the answer to which, in my judgment, should readly indicate the course of a statesman. I ask, sir, what good, what practical good, is to result to the slaveholder, the South, or the Union, as a consideration or compensation for the excitement, fraternal strife, and sectional discord, through which we are now passing, and which, I fear, will increase in extent and violence when the deed is done?

The South, notwithstanding the efforts of politicians to produce an excitement there, has been composed and quiet, during the whole contest. Why this apathy and indifference in that quarter? Let the opinions of the authors and advocates of this bill, of the wisdom and utility of this measure, be submitted to the world, and the unconcern of the people of the slaveholding States will not be a matter of astonishment. While the bill was under discussion in the Senate, almost every Senator friendly to the bill expressed his views as to the practical results and consequences of the measure, and all, I believe, admitted that it would not result in any good to the slaveholders or the South. Some of them announced in effect, and with becoming gravity and marked simplicity of language, that they were contending for a GREAT PRINCIPLE, which had nothing in it, which left the South in the same condition, no matter how the quarrel might be decided. These remarkable announcements were made, I say, with great decorum and becoming gravity.

Mr. Douglas said :

"I do not believe there is a man in Congress who thinks it could be permanently, a slaveholding country. I have no idea that it could."

Mr. BADGER said :

"I have no more idea of seeing a slave population in either of them, than I have of seeing it in Massachusetts—not a whit."

Mr. BUTLER said :

"As far as I am concerned, I must say that I do not expect that this bill is to give us of the South anything, but merely to accommodate som thing like the sentiment of the South."

Mr. HUNTER said:

"Does any man believe that you will have a slaveholding State in Kansas and Nebraska? I confess, that for a moment I permitted such an illusion to rest on my mind."

Mr. JAMES C. JONES said:

"Mr President, I was satisfied to let this question alone. As I told the honorable chairman of the Committee on Territories, and as I have expressed myself everywhere, when I have given my op nion, upon this subject, I was content to let this matter stard as it was, because, in my judgment, THERE WAS NOTH-ING PRACTICAL IN IT."

These, sir, are specimens of the opinions of the advocates of this measure, and I cannot but regard them as very remarkable, coming, as they do, from those who hold the position, and, de-

servedly, enjoy the reputation of statesmen. sir, am not surprised at any opinion of the political mendicant, who subsists upon the bounty of his official master, but I do insist that a grave Senator, holding the highest and most honorable legislative office in the world, is not excusable in wading through "THE AGITATION, THE SECTIONAL STRIFE, AND THE FEARFUL STRUGGLE, OF 1850," when no beneficial or practical results are promised or expected, and when that agitation, strife, and struggle, may terminate disastrously to the Union of these States.

I cannot readily comprehend the force of the reasoning of those who admit, that the passage of this bill will rekindle the fires of domestic discord, which burned so intensely in 1850; and who further admit, that it will not affect the relative power or numbers of the free and slaveholding States; and yet are exhibiting so much anxiety to unchain the Slavery agitation, which had been subdued by the compromise measures pass-

ed four years ago. It was, I believe, during the reign of Charles II, and while the Bill of Exclusion was being discassed in the House of Commons, that a member of Parliament made a suggestion, which applies with great force to our proposed action, or rather to the action of those who entertain such opinions as are held by the Senators I have mentioned. He expressed himself favorably to the bill, and to excluding the Duke of York from the throne altogether, rather than resort to expedients against Popery, after a Catholic king should have been invested with power, and turned loose, with all his bitter hostility against the Established Church. The speaker said, in support of his position, that any other conrse " would be as strange as if there were a lion in the lobby, and we should vote: THAT WE WOULD RATHER SECURE OURSELVES BY LETTING HIM IN AND CHAINING HIM, THAN BY KEEPING HIM OUT."

This remark was afterwards so versified as to read .

"I hear a lion in the lobby roar. Say, Mr. Speaker, shall we shut the door, And keep him out; or, shall we let him in, To try if we can turn him out again?"

I think this inquiry might, with great propriety,

be addressed to those Senators and Representatives who, in 1852, so eloquently deplored the revival of the Slavery agitation. At the commencement of this Congress, it was agreed that the lion had been chained. The unsuccessful efforts of the gentlemen from New York, [Mr. SMITH,] and from Ohio, [Mr. Giddings,] to unloose him, were laughed at as failures; but now, Northern and Southern gentlemen, with surprising indifference to consequences, seem anxious to invite this monster of discord into the Hall of our deliberations just to show the world with what facility the can put him out, and shut the door, as they suppose upon his subsequent return. But, sir, the frequent recurrence of calls from this unwelcome visiter and the fact that each obtrusion upon our other wise peaceful deliberations infuses new life and vigor into the monster, should caution us not to invite his presence unnecessarily, when those who play the host admit that they can make nothing by the entertainment.

It is true, sir, that a different opinion, as to the results of this bill, has been expressed in high quarters. It has been stated by responsible authority, and the statement, so far as I know, has not been contradicted, that the President regards the bill as "A proposition in favor of Freedom," and that "IF IT SHOULD PASS, ALTHOUGH WE MIGET ABSORB THE WHOLE OF MEXICO, NOT ANOTHER SLAVE STATE WOULD EVER COME INTO THE UNION." This, sir, may be a satisfactory reason to him for his support of the bill; but I cannot discover why, if his views are correct, the South should feel any concern about its passage. Let the measure pass, and I think the South will, ultimately, see the absurdity of contending for a phantom-especially when, in that contest the best National men. of all parties, at the North are to be sacrificed to the bad passions which will be engendered and fomented by this unwise and unwarrantable meas-

I have never despaired of the Republic; but, sir, the periodical convulsions through which we have to pass, at the bidding of political demagogues, cannot fail to excite apprehensions in the breast of every lover of the Union; and while I shall continue to trust in the good fortunes of my country, I hope never, never again, to see its peace so wantonly endangered.

SPEECH

New

MR. EVERETT, OF MASSACHUSETTS,

DELIVERED

IN THE SENATE OF THE UNITED STATES, FEB 8, 1854,

ON THE

NEBRASKA AND KANSAS TERRITORIAL BILL.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1854.

E.M. Prince

anon Ed Briggs

NEBRASKA AND KANSAS.

Mr. EVERETT said:

Mr. PRESIDENT, I intimated yesterday that if time had been allowed, I should have been glad to submit to the Senate my views at some length in relation to some of the grave constitutional and political principles and questions involved in the measure before us. Even for questions of a lower order, those of a merely historical character, the time which has elapsed since this bill, in its present form, was brought into the Senate, which I think is but a fortnight ago vesterday, has hardly been sufficient, for one not previously possessed of the information, to acquaint myself fully with the details belonging to the subject before us, even to these which relate to subordinate parts of it, such as our Indian relations. Who will undertake to say how they will be affected by the measure now before the Senate, either under the provisions of the bill in that respect as it stood vesterday, or as it will stand now that all the sections relative to the Indians have been stricken out? And then, sir, with respect to that other and greater subject, the question of slavery as connected with our recent territorial acquisitions, it would take a person more than a fortnight to even read through the voluminous debates since 1848, the knowledge of which is necessary for a thorough comprehension of this important and delicate subject.

For these reasons, sir, I shall not undertake at this time to discuss any of these larger questions. I rise for a much more limited purpose—to speak for myself, and without authority to speak for anybody else, as a friend and supporter of the compromises of 1850, and to inquire whether it is my duty, and how far it is the duty of others who agree with me is that respect, out of fidelity to

those compromises, to support the bill which is now on your table, awaiting the action of the Senate. This, I feel, is a narrow question; but this is the question which I propose, at no very great length, to consider at the present time.

I will, however, before I enter upon this subject, say, that the main question involved in the passage of a bill of this kind is well calculated to exalt and expand the mind. We are about to take a first step in laying the foundations of two new States, of two sister independent Republics, hereafter to enter into the Union, which already embraces thirty-one of these sovereign States, and which, no doubt, in the course of the present century, will include a much larger number. I think Lord Bacon gives the second place among the great of the earth to the founders of States-Conditores imperiorum. And though it may seem to us that we are now legislating for a remote part of the unsubdued wilderness, vet the time will come, and that not a very long time, when these scarcely existing territories, when these almost empty wastes, will be the abode of hundreds and thousands of kindred, civilized fellow-men and fellow-citizens. Yes, sir, the time is not far distant, probably, when Kansas and Nebraska, now unfamiliar names to us all, will sound to the ears of their inhabitants as Virginia, and Massachusetts, and Kentucky, and Ohio, and the names of the other old States, do to their children. Sir, these infant Territories, if they may even at present be called by that name, occupy a most important position in the geography of this continent. They stand where Persia, Media, and Assyria stood in the continent of Asia, destined to hold the balance of power-to be the centers of influence to the East

and to the West.* Sir. the fountains that trickle from the snow-capped crests of the Sierra Madre flow in one direction to the Gulf of Mexico, in another to the St. Lawrence, and in another to the Pacific. The commerce of the world, eastward from Asia. and westward from Europe, is destined to pass through the gates of the Rocky Mountains over the iron pathways which we are even now about to lay down through those Territories. Cities of unsurpassed magnitude and importance are destined to crown the banks of their noble rivers. Agriculture will clothe with plenty the vast plains now roamed over by the savage and the buffalo. And may we not hope, that, under the meis of wise constitutions of free government, religion and laws, morals and education, and the arts of civilized life, will add all the graces of the highest and purest culture to the gifts of nature and the bounties of Providence?

Sir. I assure you it was with great regret, having in my former congressional life uniformly concurred in every measure relating to the West which I supposed was for the advantage and prosperity of that part of the country, that as a member of the Committee on Territories, I found myself unable to support the bill which the majority of that committee had prepared to bring forward for the organization of these Territories. I should have been rejoiced if it had been in my power to give my support to the measure. But the hasty examination which, while the subject was before the committee, I was able to give to it, disclosed objections to the bill which I could not overcome; and more deliberate inquiry has increased the force of those objections.

I had, in the first place, some scruples—objections I will not call them, because I think I could have overcome them—as to the expediency of giving a territorial government of the highest order, to this region at the present time.

In the debate on this subject in the House of Representatives last year, inquiries were made as to the number of inhabitants in the Territory, and I believe no one undertook to make out that there were more than four hundred, or, five hundred, or, at the outside, six hundred white inhabitants in the region in which you are now going to organize two of these independent territorial governments, with two Legislative Councils, each consisting of thirteen members, and two Legislative Assemblies of twenty-six members each, with all the details and apparatus of territorial governments of the highest rank.

It seems to me that this is not called for by the condition of the country, and is somewhat premature. It was the practice in the earlier stages of our legislation to have a territorial government of a simpler form. In the Territories which were organized upon the pattern prescribed by the ordinance of 1787, there was a much simpler government. A governor and judges were appointed by the President of the United States, and authorized to make such laws as might be necessary, subject of course to the allowance or disallowance of Congress; and that organization served very well for the nascent state of the Territories. There was a limit prescribed to governments of this kind. When the population amounted to five thousand male inhabitants, I think it was, they were allowed to have a representative government. This may, perhaps, be too high a number, and may not be in entire accordance with the character of our people, and the genius of our institutions; but still, sir, I do think, that a government of this kind which we propose now to organize, with a constituency so small as now exists, cannot be that which the wants or the interests of the people require, and is in many respects objectionable. It brings the representative into dangerous relations with the constituent; and bestows upon a mere handful of men too much power in organizing the government, and laying the foundations of the State.

It is true, we are told, that the moment the intercourse act is repealed, there will be a great influx of population. I have no doubt that will be the case. There is also a throng of adventurers constantly pouring through this country towards the West, which requires an efficient Government. But even making all due allowance for these circumstances, I do think that it is somewhat premature to give this floating, and-if I may so call it -unstationary population, all the discretionary powers to be vested in a territorial government of the first class. I think it is giving too much power, too much discretion, to a population that will not probably amount at first to more than a few hundred individuals. Still, however, I admlt that this is but a question of time. I do not think it a point of vital importance.

When I consider the prodigious rapidity with which our population is increasing by its native growth—when I consider the tide of immigration from Europe, a phenomenon the parallel of which does not exist in the history of the world, an immigration of three or four hundred thousand, of which the greater part are adults, pouring into this country every year, adding to our numbers an amount of population greater than that of some of the older States, and those not of the smallest size, and this

^{*}The idea in this sentence was suggested by a very striking educrial article in a late number of the St. Louis Daily Intelligencer.

double tide flowing into the West, so that what is a wilderness to-day is a settled neighborhood tomorrow—when I consider these things, I do admit that a question of this nature is but a question of time; and if there were no other difficulty attending the bill, I should not be disposed to object to it on this score.

But, sir, the relation of the Indian tribes to the question is, I confess, in my mind, a matter of greater difficulty. Senators all know that the eastern strip of this Territory-I believe for its whole extent-certainly from the southern boundary of Kansas, far up to the north-is occupied by Indian tribes, and the fragments of Indian tribes. They are not in their original location. All the Indians who are there, I believe, have already undergone one removal, and some of them two. In pursuance of the policy which was carried into execution on so large a scale under the administration of General Jackson, a large number of tribes and fragments of tribes were collected upon this eastern frontier of the proposed Territories of Kansas and Nebraska, and have remained there ever since, some of them having made considerable progress in the arts of civilized life.

The removal of the Indians was one of the prominent measures of General Jackson's administration. It was my fortune, sir-it was twenty four years ago, I believe-my friend from Tennessee [Mr. Bell] will recollect it-as a member of the other House, to take an active part in the discussion of this question. He will remember, I am sure, the ardent, but not unfriendly, conflicts between himself, as chairman of the Committee on Indian Affairs, and myself on that subject. I then maintained that it was impossible, if you removed these Indians to the West, to give them a "permanent home;" for that was the cardinal idea, the very corner-stone of the policy of General Jackson-to remove the Indians from their locations east of the Mississippi river, where they were crowded by the white population, and undergoing hardships of various kinds, so far west as would allow them to find a permanent home. I ventured to say then that, in my opinion, they could find no more permanent home west than east of the Mississippi. My friend from Tennessee thought otherwise, and said so, speaking, I am sure, in as good faith as I did in expressing the opposite opinion. But the policy was carried through, and an act was passed authorizing an exchange of the lands occupied by the Indians east of the Mississippi for other lands west of that river. I will read a single short section from that act:

" Sec. 3. And be it further enacted, That in making of

such exchange or exchanges, it shall and may be lawful for the Fresident solemnly to assure the tribe or auton with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs and successors, the country so exchanged with them; and if they prefer it, the United States will cause a patent organal to be made and executed to them for the same: Provided, always, That such lands shall rever to the United States, if the Indians become extinct, or abandon the same.

This was the legislative foundation of the policy; and General Jackson deemed it of so much consequence that, in his Farewell Address, he congratulated the country on the success with which it had been carried out; and his successor, Mr. Van Buren, in one of his annual messages, spoke of it in the same glowing terms.

Now, sir, these were the hopes, these were the expectations on which the policy of removing the Indians west of the Mississippi proceeded. I do not recall the recollection of the subject reproachfully; I have no reproach to cast upon any one. Events which no mortal could have foreseen have taken place. The whole condition of our western frontier has been changed. Our territorial acquisitions on the Pacific, and the admission of a sister State in that quarter to the Union, have created a political necessity of an urgent character for improved means of communication, and I fear that it is not possible to preserve intact this Indian barrier. But I want information on that subject. I should like to hear other Senators, who understand the subject much better than I do, tell us how that matter stands; and whether it is absolutely necessary that this measure should go on, in the manner described by the bill, which, it seems to me, if not conducted with the utmost care, will be attended with great inconvenience, if not utter destruction, to those remnants of tribes.

If we must use that hateful plea of necessity, which I am always unwilling to take upon my lips; if we must use the tyrant's plea of necessity, and invade "the permanent home" of these children of sorrow and oppression, I hope we shall treat them with more than justice, with more than equity, with the utmost kindness and tenderness. Now, I am unable to say, not having ample information on the subject, how their condition will be affected by the clauses in the bill which were struck out yesterday. I am unable to say how it will be affected by leaving the bill without any provisions in reference to that subject. There are, of course, to be appropriations for negotiating with the Indians in other bills; the Senator from Illinois intimated as much; but what the measures to be proposed are, I should like to be better informed. I have no suspicions on the subject; I have no misgivings. I have no doubt that Senators and the Executive will be animated with the purest spirit of humanity and tenderness toward these unfortunate fellow-men; but I should like to know what is to be done with them. I should like to know how the bill in its present condition, or with such supplementary measures as are to be brought in hereafter, will leave these persons who depend upon us, upon our kindness, upon our consideration, for their very existence. I hope that, before this debate closes, we shall hear something on this point from members of the body who are competent to speak on the subject. Unless the difficulty which I feel on this point shall be removed, I shall be compelled, on this ground alone, to oppose any such territorial bill.

Trusting, however, that proper precautions will he taken, and that measures will be adopted, if possible, to give to the more advanced individuals of these tribes, personal reservations of land, to save them from being driven off to some still more remote resort in the wilderness; trusting that this, or some other measure of wisdom and kindness will be pursued, I think I could cheerfully support the territorial bill, which passed the House of Representatives at the last session, and was lost in this body. I believe, for want of time, in the very last hours, certainly on the very last day, of the late session of Congress. If I could have been assured that proper safeguards were contained in that bill for the Indians, I should have been willing to support it; and when it was revived at this session of Congress, by the Senator from Iowa, [Mr. Donge,] and referred to the Committee on Territories, of which I have the honor to be a member, I did certainly hope that, if it were thought expedient to report any bill for organizing this Territory, that one would have been adopted by the committee. The majority thought otherwise, however, and they have reported the bill before the Senate.

I will not take up the time of the Senate by going over the somewhat embarrassing and perplexed history of the bill, from its first entry into the Senate until the present time. I will take it as it now stands, as it is printed on our tables, and with the amendment which was offered by the Senator from Illinois [Mr. Douglas] yesterday, and which, I suppose, is now printed, and on our tables; and I will state, as briefly as I can, the difficulties which I have found in giving my support to this bill, either as it stands, or as it will stand when the amendment shall be adopted. My chief objections are to the provisions on the subject of slavery, and especially to the exception, which is contained in the 14th section, in the following words:

"Except the 8th section of the act preparatory to the admission of Missouri into the Union, approved Marché, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative."

On the day before yesterday the chairman of the Committee on Territories proposed to change the words "superseded by" to "inconsistent with," as expressing more distinctly all that he meant to convey by that impression. Yesterday, however, he brought in an amendment, drawn up with great skill and care, on notice given the day before, which is to strike out the words "which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative," and to insert in lieu of them the following.

"Which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1520, commonly called the compromise measures, is hereby declared inopentive and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

Now, I agree with the remark made by the chairman of the committee yesterday, that this is a change in the phraseology alone. It covers a somewhat broader ground, but the latter part of it is explanatory; and as to the main point in which it is proposed to declare the Missouri restriction of 1820 "imoperative and void," I do not find any change between this amendment and the words contained in the bill on our tables. It seems to be the design of both to carry out the principle which was laid down by the chairman in his report. I will read from that report the following sentences, for I conceive them to be those which give the key to the whole measure:

"In the judgment of your committee, those measures the componise measures of ISSO were intended to have a far more comprehensive and enduring effect than the mere adjustment of the difficulties arising out of the recent accusation of Mexican territory. They were designed to establish certain great principles which would not only furnish adequate remedies for existing cvils, but it all time to come avoid the perfits of a similar agitation, by withdrawing the question of slavery from the halls of Congress and the political arena, and commit it to the arbitrament of those who were immediately interested in, and alone responsible for, its consequences."

This I suppose is the principle and the policy to which it is intended, either as it stood at first or as it is now proposed to amend it, to give the force of law in the bill now before us.

Now, sir, I think, in the first place, that the language of this proposed enactment, being obscure, is of somewhat doubtful import, and for that reason, unsatisfactory. I should have preferred a little more directness. What is the condition of an enactment which is declared by a subsequent act of Congress to be "inoperative and void?" Does it remain in force? I take it, not. That would be a contradiction in terms, to say that an enactment which had been declared by act of Congress inoperative and void, is still in force. Then, if it is not in force, if it is not only inoperative and void, as it is to be declared, but is not in force, it is of course repealed. If it is to be repealed, why not say so? I think it would have been more direct and more parliamentary to say "shall be and is hereby repealed." Then we should know precisely, so far as legal and technical terms go, what the amount of this new legislative provision is.

If the form is somewhat objectionable, I think the substance is still more so. The amendment is to strike out the words "which was superseded by," and to insert a provision that the act of 1820 is inconsistent with the principle of congressional non-intervention, and is therefore inoperative and void. I do not quite understand how much is conveyed in this language. The Missouri restriction of 1820, it is said, is inconsistent with the principle of the legislation of 1850. If anything more is meant by "the principle" of the legislation of 1850, than the measures which were adopted at that time in reference to the Territories of New Mexico and Utah-for I may assume that those are the legislative measures referred to-if anything more is meant than that a certain measure was adopted, and enacted in reference to those Territories, I take issue on that point. I do not know that it could be proved that, even in reference to those Territories, a principle was enacted at all. A certain measure, or, if you please, a course of measures, was enacted in reference to the Territories of New Mexico and Utah; but I do not know that you can call this enacting a principle. It is certainly not enacting a principle which is to carry with it a rule for other Territories lying in other parts of the country, and in a different legal position. As to the principle of non-intervention on the part of Congress in the question of slavery, I do not find that, either as principle or as measure, it was enacted in those territorial bills of 1850. I do not, unless I have greatly misread them, find that there is anything at all which comes up to that. Every legislative act of those territorial governments must come before Congress for allowance or disallowance, and under those bills, without repealing them, without departing from them in the slightest degree, it would be competent for Congress to-morrow to pass any law on that subject.

How then can it be said that the principle of non-intervention on the part of Congress in the subject of slavery was enacted and established by the compromise measures of 1850? But, whether that be so or not, how can you find, in a simple measure applying in terms to these individual Territories, and to them alone, a rule which is to govern all other Territories with a retrospective and with a prospective action? Is it not a mere begging of the question to say that those compromise measures, adopted in this specific case, amount to such a general rule?

But, let us try it in a parallel case. In the earlier land legislation of the United States, it was customary, without exception, when a Territory became a State, to require that there should be a stipulation in their State constitution that the public lands sold within their borders should be exempted from taxation for five years after the sale. This, I believe, continued to be the uniform practice down to the year 1820, when the State of Missouri was admitted. She was admitted under this stipulation. If I mistake not, the next State which was admitted into the Union-but it is not important whether it was the next or not-came in without that stipulation, and they were left free to tax the public lands the moment when they were sold. Here was a principle; as much a principle as it is contended was established in the Utah and New Mexico territorial bill; but did any one suppose that it acted upon the other Territories? I believe the whole system is now abolished under the operation of general laws, and the influence of that example may have led to the change. But, until it was made by legislation, the mere fact that public lands sold in Arkansas, were immediately subject to taxation, could not alter the law in regard to the public lands sold in Missouri, or in any other State where they were exempt.

There is a case equally analogous to the very matter we are now considering—the prohibitor or permission of slavery. The ordinance of 1787 prohibited slavery in the territory northwest of the Ohio. In 1790 Congress passed an act accepting the cession which the State of North Carolina had made of the western part of her territory, with the proviso, that in reference to the territory thus ceded Congress should pass no laws "tending to the emancipation of slaves." Here was a precisely parallel case. Here was territory deed by North Carolina, which headed the territory of the United States south of the Ohio, in 1787, slavery was prohibited. Here was territory of the United States south of the Ohio, in reference to which it was stipulated with North

Carolina, that Congress should pass no laws tending to the emancipation of slaves. But I believe it never occurred to any one that the legislation of 1790 acted back upon the ordinance of 1787, or furnished a rule by which any effect could be produced upon the state of things existing under that ordinance, in the territorry to which it applied.

I certainly intend to do the distinguished chairman of the committee no injustice; and I am not sure that I fully comprehend his argument in this respect; but I think his report sustains the view which I now take of the subject: that is, that the legislation of 1850 did not establish a principle which was designed to have any such effect as he intimates. That report states how matters stood in those new Mexican territories. It was alleged on the one hand that by the Mexican lex loci slavery was prohibited. On the other hand that was denied, and it was maintained that the Constitution of the United States secures to every citizen the right to go there and take with him any property recognized as such by any of the States of the Union. The report considers that a similar state of things now exists in Nebraska-that the validity of the eighth section of the Missouri act, by which slavery is prohibited in that Territory, is doubtful, and that it is maintained by many distinguished statesmen that Congress has no power to legislate on the subject. Then, in this state of the controversy, the report maintains that the legislation of Congress in 1850 did not undertake to decide these questions. Surely, if they did not undertake to decide them, they could not settle the principle which is at stake in them; and, unless they did decide them, the measures then adopted must be considered as specific measures, relating only to those cases, and not establishing a principle of general operation. This seems to me to be as direct and conclusive as anything can be.

At all events, these are not impressions which are put forth by me under the exigencies of the present debate or of the present occasion. I have never entertained any other opinion. I was called upon for a particular purpose, of a literary nature, to which I will presently allude more distinctly, shortly after the close of the session of 1850, to draw up a narrative of the events that had taken place relative to the passage of the compromise measures of that year. I had not, I own, the best sources of information. I was not a member of Congress, and had not heard the debates, which is almost indispensable to come to a thorough understanding of questions of this nature; but I inquired of those who had heard them, I read the reports, and I had an opportunity of personal intercourse

with some who had taken a prominent part in all of those measures. I never formed the idea—I never received the intimation until I got it from this report of the committee—that those measures were intended to have any effect beyond the Teritories of Utah and New Mexico, for which they were enacted. I cannot but think that if it was intended that they should have any larger application, if it was intended that they should furnish the rule which is now supposed, it would have been a fact as notorious as the light of day.

Look at the words of the acts themselves. They are specific. They give you boundaries. The lines are run. The Territories are geographically marked out. They fill a particular place on the map of the continent; and it is provided that within those specific geographical limits a certain state of things, with reference to slavery, shall exist. That is all. There is not a word which states on what principle that is done. There is not a word to tell you that that state of things carries with it a rule which is to operate elsewhere-retrospectively upon territory acquired in 1803, and prospectively on territory that shall be acquired to the end of time. There is not a word to carry the operation of those measures over the geographical boundary which is laid down in the bills them-

It would be singular if, under any circumstances, the measures adopted should have this extended effect, without any words to indicate it. It would be singular, if there was nothing that stood in the way: but when you consider that there is a positive enactment in the way-the eighth section of the Missouri law, which you now propose to repeal because it does stand in the way-how can you think that these enactments of 1850 in reference to Utah and New Mexico were intended to overleap these boundaries in the face of positive law to the contrary, and to fall upon and decide the organization of Territories in a region purchased from France nearly fifty years before, and subject to a distinct specific legislative provision, ascertaining its character in reference to slavery? Sir, it is to me a most singular thing that words of extension in 1854 should be thought necessary in this bill to give the effect supposed to have been intended to the provisions of the acts of 1850, and that it should not be thought necessary in 1850 to put these words of extension into the original bills themselves.

Now, sir, let us look at the debates which took place at that time, because, of course, one may always gather much more from the debates on one side and the other on any great question, as to the intention and meaning of a law, than can be gath-

ered from the words of the statute itself. I have not had time to read these debates fully. That is what I complained of in the beginning. I have not had time to read, as thoroughly as I could wish, those voluminous reports-for they fill the greater part of two or three thick quarto volumes; but in what I have read, I do not find a single word from which it appears that any member of the Senate or House of Representatives, at that time, believed that the territorial enactments of 1850, either as principle, or rule, or precedent, or by analogy, or in any other way, were to act retrospectively or prospectively upon any other Territory. On the contrary, I find much, very much, of a broad, distinct, directly opposite bearing. I forbear to repeat quotations from the debates which have been made by Senators who have preceded me.

The proviso itself, which forms so prominent a characteristic and so important a part of this bill. the proviso that when the Territory, or any part of it, shall be admitted into the Union as a State or States, it shall be with or without slavery, as their constitution at the time of admission may prescribe, was no part of the original compromise, as I understand it. The compromise consisted in not inserting the Wilmot proviso in the Utah and New Mexico bills. That was moved and rejected, and the Territory was to come in without any such restriction. That was the compromise in reference to those Territories; and after the Wilmot proviso had been voted down, a distinguished Senator from Louisiana, [Mr. Soulé,] not now a member of this body, but abroad in the foreign service of the country, moved the proviso which I have just recited: and he did it, as he said, "to feel the pulse of the Senate," Mr. Webster, in voting for that motion of Mr. Soule, as he had just voted against the Wilmot proviso, used these remarkable words: "Be il remembered, sir, that I now speak of Ulah and New Mexico, and of them alone."

It was with that careat that Mr. Webster voted for the proviso which forms the characteristic. portion of this bill, and which is supposed to carry with it a law applying to this whole Territory of Nebraska, although covered by the Missouri restriction of 15-20. Mr. Webster had on a former occasion, in the great speech of the 7th of March, 1850, to which I shall in a moment advert again, used the following remarkable language:

⁴⁵ And now say, sir, as the proposition upon which I sum a disease, and upon the inhu and firmsess of which I intend to act until it is overshrown, that there is not at this moment within the United States a single foot of lead the character of which, in regard to its being free-soil reintry or slave territory, as not fixed by some law, and some irrepeable law, beyond the power of the action of the Government.³⁰

He meant, of course, to give to the Missouri restriction the character of a compact which the Government in good faith could not repeal; and there was in the course of the speech a great deal more said to the same purpose.

And now, sir, having alluded to the speech of Mr. Webster, of the 7th March, 1850, allow me to dwell upon it for a moment. I was in a position next year-having been requested by that great and lamented man to superintend the publication of his works-to know very particularly the comparative estimate which he placed upon his own parliamentary efforts. He told me more than once that he thought his second speech on Foot's resolution was that in which he had best succeeded as a senatorial effort, and as a specimen of parliamentary dialectics; but he added, with an emotion which even he was unable to suppress. "The speech of the 7th of March, 1850, much as I have been reviled for it, when I am dead, will be allowed to be of the greatest importance to the country." Sir, he took the greatest interest in that speech. He wished it to go forth with a specific title; and after considerable deliberation, it was called, by his own direction, "A Speech for the Constitution and the Union." He inscribed it to the People of Massachusetts, in a dedication of the most emphatic tenderness, and he prefixed to it that motto-which you all remember-from Livy, the most appropriate and felicitous quotation, perhaps, that was ever made: "True things rather than pleasant things"-Vera pro gratis: and with that he sent it forth to the world.

In that speech his gigantic intellect brought together all that it could gather from the law of nature, from the Constitution of the United States. from our past legislation, and from the physical features of the region, to strengthen him in that plan of conciliation and peace, in which he feared that he might not carry along with him the public sentiment of the whole of that portion of the country which he particularly represented here. At its close, when he dilated upon the disastrous effects of separation, he rose to a strain of impassioned eloquence which has never been surpassed within these walls. Every topic, every argument, every fact, was brought to bear upon the point; and he felt that all his vast popularity was at stake on the issue. Let me commend to the attention of Senators, and let me ask them to consider what weight is due to the authority of such a man, speaking under such circumstances, and on such an occasion, when he tells you that the condition of every foot of land in the country, for slavery or non-slavery, is fixed by some irrepealable law. And you are now about to repeal the principal law which ascertained and fixed that condition. And, sir, if the Senate will take any heed of the opinion of one so bumble as myself, I will say that I believe Mr. Webster, in that speech, went to the very verge of the public sentiment in the non-slaveholding States, and that to have gone a hair's breadth further, would have been a step too bold even for his great weight of character.

I pass over a number of points to which I wished to make some allusion, and proceed to another matter. The chairman of the Committee on Territories did not, in my judgment, return an entirely satisfactory answer to the argument drawn from the fact that the Missouri restriction, or the compromise of 1820, is actually and in terms recognized and confirmed by the territorial legislation of 1850, in the act organizing the Territory of New Mexico. The argument is this: that act contains a proviso that nothing therein contained shall be construed to impair or qualify the third article of the second section of the resolutions for annexing Texas. When you turn to that third article of the second section of the resolution, you find that it recognizes by name the Missouri compromise. Now I understood the chairman of the Committee on Territories to say, that all that part of Texas to which that restriction applied, north of 360 30', was cut off and annexed to New Mexico.

Mr. DOUGLAS. Not all annexed, but a large portion annexed, and all cut off.

Mr. EVERETT. But it does not seem to me that this is an adequate answer. In the first place, the Senator tells us that all north of 360 30' was cut off from Texas. But there was a considerable portion of territory, as large as four States of the size of Connecticut, which was not incorporated into New Mexico, and to which the proviso still attaches. But whether that be so or not. would it not be a strange phenomenon in legislation that a subsequent act should be construed to supersede, to nullify, to render inoperative and void, by any operation, or in any way or form, a former act, which it expressly states nothing therein contained shall qualify or impair? It does seem to me that this is so formal a recognition, that it is unnecessary to inquire whether there is or is not any portion of territory to which, in point of fact, it attaches, especially when the question now is, not whether it operates in Texas, but whether it operates in Nebraska in its original location.

The Senator stated that, in point of fact, to some extent the Missouri compromise was actually repealed by the territorial legislation of 1850; and the facts by which he supported that statement were these: that a portion of territory was taken from

Texas, where it was subject to the Missouri restriction, and incorporated into New Mexico, where it came under the compromise of 1850; and, in like manner, that a portion of the territory now embraced in Utah was taken from the old Lousiana purchase, where it was subject to the Missouri restriction, and was incorporated into the Territory of Utah, where, in like manner, it came under the compromise of 1850. But I think the answers to be given to these statements are perfectly satisfactory.

In the first place, it was a very small portion of territory, very small, indeed, compared with the vast residuum; and can we suppose that the few hundred, or it may be the few thousand, square miles taken off in this way from Texas and the old Louisiana purchase, and thrown into New Mexico and Utah, can, by way of principle or rule, or in any other way, qualify, or modify, or repeal a positive enactment covering the remaining space, which is as large as all the British Islands, France, Prussia, the Austrian Empire, and the smaller Germanic States put together?

In the next place, in reference to New Mexico, if I understand it, the territory which was thus transferred never was subject to the restriction of 1830—to the real Missouri compromise, now proposed to be declared "inoperative and void." It was subject to the Texas annexation resolutions, which extended the Missouri line, but it was no part of Louisiana, never had been, and was not subject to the restriction which it is now proposed to repeal.

Then, in the next place, it was a mere question of disputed boundary. I do not wish to do the statement of my worthy friend, the chairman of the Committee on Territories, any injustice, but I think he was incorrect if he said, that "the United States purchased this strip of land from Texas." These are not the terms of the act. They are very carefully stated more than once. The United States gave a large sum of money to Texas, not to sell this strip of land, but to "cede her claim" to it. That was all. Texas claimed it. The United States did not allow or disallow the claim, but they gave Texas a large consideration to cede her claim. It was, therefore, a matter of disputed boundary; and it is not decided whether the ceded territory originally belonged to Texas or New Mexico.

In reference to Utah, it is true, there is a small spot, a very small spot in the Sierra Madre, that was taken from the old Louisiana purchase and thrown into Utah; but I venture to say that probably not a member of the Senate, except the worthy chairman of the Committee on Territories,

was aware of that fact. I do not mean that he made any secret of it, but it was not made a point at all. The Senate were not apprised that if they took this little piece of land, which Colonel Fremont calls the Middle Park, out of the old Louisiana purchase, and put it into Utah, they would repeal the Missouri compromise of 1820, which covers half a million of square miles. I say, sir, most assuredly the Senate were told no such thing; nor do I think it was within the knowledge or the imagination of an individual member of the body.

I may seem to labor this point too much; but as it is the main point to which I solicit the attention of the Senate, I will state one more consideration. It has been alluded to already, but I propose to put it in a little different light, which seems to me to be absolutely decisive of the whole subject. The proposition to organize Nebraska Territory is not a new one. The chairman of the Committee on Territories has had it in view for several vears-as far back, I believe, as 1844 or 1845. It is so stated in Mr. Hickey's valuable edition of the Constitution. Whether it was actually before the Senate in 1850 I know not; but it was certainly in the mind of the Senator from Illinois. Now, sir, during the pendency of these compromise measures, while the Utah and the New Mexico bills were in progress through the two Houses of Congress, if they carried with them a principle or rule which was to extend itself over all other Territories, how can we explain the fact, that there is not the slightest allusion in those bills to the Territory of Nebraska, which the vigilant Senator must have had so strongly on his mind? Is it not a political impossibility, that if it was conceived at that time, that measures were going through the two Houses which were to give a perpetual law to territorial organization, the Nebraska bill would not then have been brought forward, and in some way or other made to enjoy the benefit of it, if benefit it be? But not a word to this effect was intimated that I know of. It was entirely ignored, so far as I am aware; or, at any rate, no attempt was made at that time to pass a Nebraska bill, containing the provisions of the Utah and New Mexico bills.

The compromise measures were the work of the Thirty-First Congress, and at the Thirty-Second Congress a Nebraska bill was brought in by a member from the State of Missouri, in the other House. It passed that body by a majority of more than two to one. It was contested on the ground of injustice to the Indians; but, as far as I know—I speak again under correction—I have to thad time to read all these volumious de-

bates—nothing, or next to nothing was said on the subject of slavery. At any rate there was no attempt made to incorporate the provisions of the present bill on the subject of slavery. It came up here, and was adopted by, and reported from, the Committee on Territories, and brought up in the Senate towards the close of the last session, and on that occasion contested on the same ground; and no attempt was made, or a word said, in reference to these provisions on the subject of slavery. If at that time the understanding was, that you were enacting a principle or a precedent, or anything that would carry with it a rule governing this case, is it possible that no allusion should have been made to it on that occasion?

I conclude, therefore, sir, that the compromise measures of 1850 ended where they began, with the Territories of Unda had New Mexico, to which they specifically referred; at any rate, that they established no principle which was to govern in other cases; that they had no prospective action to the organization of Territories in all future time; and certainly no retrospective action upon lands subject to the restriction of 1820, and to the positive enactment that you now propose to declare inoperative and void.

I trust that nothing which I have now said will be taken in derogation of the compromises of 1850. I adhere to them; I stand by them. I do so for many reasons. One is respect for the memory of the great men who were the authors of themlights and ornaments of the country, but now taken from its service. I would not so soon, if it were in my power, undo their work, if for no other reason. But beside this, I am one of those-I am not ashamed to avow it-who believed at that time, and who still believe, that at that period the union of these States was in great danger, and that the adoption of the compromise measures of 1850 contributed materially to avert that danger; and therefore, sir, I say, as well out of respect to the memory of the great men who were the authors of them, as to the healing effect of the measures themselves, I would adhere to them. They are not perfect. I suppose that nobody, either North or South, thinks them perfect. They contain some provisions not satisfactory to the South, and other provisions contrary to the public sentiment of the North; but I believed at the time they were the wisest, the best, the most effective measures which, under the circumstances, could be adopted. But you do not strengthen them, you do not show your respect for them, by giving them an application which they were never intended to bear.

Before I take my seat, sir, I will say a few words in a desultory manner upon one or two

other statements which were made by the chairman of the Committee on Territories. He said, if I understood him, that the North set the first example of making a breach in the Missouri compromise; and I find out of doors that considerable importance is attached to this idea, that the nullification or repeal of the Missouri compromise at this time is but a just retort upon the North for having, on some former occasion, set the example of violating it. I do not think that this is correctly stated. The reference is to the legislation of 1848, when the non-slaveholding States refused to extend the line of 560 30' to the Pacific Ocean, which was done, the Senator said, under the influence of "northern votes with free-soil proclivities," or some expression of that kind. I do not think the Senator shows his usual justice, perhaps, I may say, not his usual candor, on this occasion. That took place two years before the compromise of 1850, and that compromise has been commonly considered, if nothing else, at least as a settlement of old scores; and anything that dates from 1848 must be considered, in reference to those who took part in it, as honorably and fairly settled and condoned in 1850. But, sir, how was the case? This was not a measure carried by northern votes with free-soil proclivities. Far from it. If I have read the record aright, the amendment which the Senator moved in the Senate, to incorporate the Missouri line into the territorial bill for Oregon, was opposed by twenty-one votes in this body. Among those twenty-one voters was every voter from New England. There was the Senator from Massachusetts, Mr. Webster. was the lately deceased Senator from New Hampshire, Mr. Atherton. Both of the votes from Ohio: Mr. Allen one of them; and both from Wisconsin, were given against this extension of the Missouri compromise. Mr. Calhoun voted in favor of the amendment; but if I am not in error, when the question next came up upon the engrossment of the bill, as amended, he voted with those twenty-one; he voted side by side with those who were included in the designation of the Senator from Illinois. In the House, the vote stood, if I remember the figures, 121 to 82-a majority of 39. This was, I suppose, the whole vote, or nearly the whole vote of the entire non-slaveholding delegation. That surely, then, ought not to be said to be brought about by northern voters with free-soil proclivities, using those words in the acceptation commonly given to them, which I suppose the Senator wishes to do.

No, sir, that vote was given in conformity with the ancient, the universal, the traditionary opinion and feeling of the non-slaveholding States,

which forbid a citizen of those States to do anything voluntarily, or except under a case of the sternest, compulsion, such as preserving the union of these States-and really I would do almost anything to effect that object-to acquiesce in carrying slavery into a Territory where it did not previously exist. It was that feeling which, in the revolutionary crisis, was universal throughout the land; for the anti-slavery feeling of that time I take to have been mainly a political sentiment, rather than a moral or religious one. It was the same feeling which, in 1787, led the whole Congress of the Confederation to unite in the Ordinance of 1787. Mr. Jefferson, in 1784, had proposed the same proviso, in reference to all the territory possessed by the United States, even as far down as 310, which was their southern boundary. It was the same feeling, I take it, which led respectable southern members of Congress, as late as 1820, to vote for the restriction of slavery in the State of Missouri-of which class, I believe, there were some. And, sir, it is a feeling, I believe in my conscience, which, instead of being created, or stimulated, or favored, by systematic agitation of the subject, is powerfully repressed and discouraged by that very agitation; and if this bill passes the Senate, as to all appearance it will, and thus demonstrate that that feeling is not so strong now as it was in 1820, I should ascribe such a result mainly to the recoil of the conservative mind of the non-slaveholding States from this harassing and disastrous agitation.

A single word, sir, in respect to this supposed principle of non-intervention on the part of Congress in the subject of slavery in the Territories. I confess I am surprised to find this brought forward, and stated with so much confidence, as an established principle of the Government. I know that distinguished gentlemen hold the opinion. The very distinguished Senator from Michigan [Mr. Cass] holds it, and has propounded it; and I pay all due respect and deference to his authority, which I conceive to be very high. But I was not aware that any such principle was considered a settled principle of the territorial policy of this country. Why, sir, from the first enactment in 1789, down to the bill before us, there is no such principle in our legislation. As far as I can see it would be perfectly competent even now for Congress to pass any law that they pleased on the subject in the Territories under this bill. But however that may be, even by this bill, there is not a law which the Territories can pass, admitting or excluding slavery, which it is not in the power of this Congress to disallow the next day. This is not a mere brutum fulmen. It is not an unexecuted power. Your statute-book shows case after case. I believe, in reference to a single Territory, that there have been fifteen or twenty cases where territorial legislation has been disallowed by Congress. How, then, can it be said that this principle of non-intervention in the government of the Territories is now to be recognized as an established principle in the public policy of the Congress of the United States?

Do gentlemen recollect the terms, almost of disdain, with which this supposed established principle of our constitutional policy is treated in that last valedictory speech of Mr. Calhoun, which, unable to pronounce it himself, he was obliged to give to the Senate through the medium of his friend, the Senator from Virginia. He reminded the Senate that the occupants of a Territory were not even called the people-but simply the inhabitantstill they were allowed by Congress to call a convention and form a State constitution.

Mr. President, I do regret that it is proposed to repeal the eighth section of the Missouri act. I believe it is admitted that there is no great material interest at stake. I think the chairman of the committee, [Mr. Douglas,] the Senator from Kentucky, [Mr. Dixon,] and perhaps the Senator from Tennessee [Mr. Jones] behind me, admitted that there was no great interest at stake. It is not supposed that this is to become a slaveholding region. The climate, the soil, the staple productions are not such as to invite the planter of the neighboring States, who is disposed to remove, to turn away from the cotton regions of the South, and establish himself in Kansas, or Nebraska. A few domestic servants may be taken there, a few farm laborers, as it were, sporadically; but in the long run I am quite sure that it is generally admitted that this is not to be a slaveholding region; and if not this, certainly no part of the Territory still further north.

Then, sir, why repeal this proviso, this restriction, which has stood upon the statute-book thirtyfour years, which has been a platform of conciliation and of peace, and which it is admitted does no practical harm? You say it is derogatory to you; that it implies inferiority on the part of the South. I do not see that. A State must be either slavel olding or non-slaveholding. You cannot have it both at the same time; and a line of this kind, taking our acquisitions together, considering how many new slave States have sprung up south of the line, and how few non-slaveholding States north of it, makes a pretty equitable division between the slaveholding and the non-slaveholding States. I cannot see that there is anything derogatory in it-anything that implies inferiority on the part of the South. Let me read you a very short letter, which I find in a newspaper that came into my hands this morning, just before I started to come to the Capitol. It is a very remarkable one. It was written by the Hon. Charles Pinckney, then a distinguished member of the House of Representatives from South Carolina, and addressed to the editor of a newspaper in the city of Charleston:

Congress Hall, March 2, 1820,

DEAR SIR: I hasten to inform you that this moment we have carried the question to admit Missouri and all Louisiana to the southward of 36° 30' free of the restriction of slavery, and give the South, in a short time, an addition of six, and perhaps eight, members to the Senate of the United States. It is considered here by the slaveholding States as a great triumph. The votes were close-ninety to eightysix, [the vote was so first declared]-produced by the seceding and absence of a few moderate men from the North. To the north of 36° 30' there is to be, by the present law, restriction, which you will see by the votes I voted against. But it is at present of no moment; it is a vast tract, uninhabited only by savages and wild beasts, in which not a foot of the Indian claim to soil is extinguished, and in which, according to the ideas prevalent, no land office will be open for a great length of time.

With respect, your obedient servant, CHARLES PINCKNEY.

So that it was thought at the time to be an arrangement highly advantageous to the southern States. No land office was to be opened in the region for a long time; but that time has come. If you pass this bill, land offices will soon be opened; and now you propose to repeal the Missouri compromise!

A word more, sir, and I have done. With reference to the great question of slavery-that terrible question-theonly one on which the North and the South of this great Republic differ irreconcilably-I have not, on this occasion, a word to say. My humble career is drawing near its close; and I shall end it as I began, with using no other words on that subject than those of moderation, conciliation, and harmony between the two great sections of the country. I blame no one who differs from me in this respect. I allow to others, what I claim for myself, the credit of honesty and purity of motive. But for my own part, the rule of my life, as far as circumstances have enabled me to act up to it, has been, to say nothing that would tend to kindle unkind feeling on this subject. I have never known men on this, or any other subject, to be convinced by harsh epithets or denunciation.

I believe the union of these States is the greatest possible blessing-that it comprises within itself all other blessings, political, national, and social; and I trust that my eyes may close long before the

day shall come-if it ever shall come-when that Union shall be at an end. Sir, I share the opinions and the sentiments of the part of the country where I was born and educated, where my ashes will be laid, and where my children will succeed me. But in relation to my fellow-citizens in other parts of the country, I will treat their constitutional and their legal rights with respect, and their characters and their feelings with tenderness. I believe them to be as good Christians, as good patriots, as good men, as we are; and I claim that we, in our turn, are as good as they.

I rejoiced to hear my friend from Kentucky, [Mr. Dixon,] if he will allow me to call him so-I concur most heartily in the sentiment-utter the opinion that a wise and gracious Providence, in his own good time, will find the ways and the channels to remove from the land what I consider

this great evil; but I do not expect that what has been done in three centuries and a half is to be undone in a day or a year, or a few years; and I believe that, in the mean time, the desired end will be retarded rather than promoted by passionate sectional agitation. I believe, further, that the fate of that great and interesting continent in the elder world, Africa, is closely intertwined and wrapped up with the fortunes of her children in all the parts of the earth to which they have been dispersed, and that at some future time, which is already in fact beginning, they will go back to the land of their fathers the voluntary missionaries of Civilization and Christianity; and finally, sir, I doubt not that in His own good time the Ruler of all will vindicate the most glorious of His preroga-"From seeming evil still educing good."

NEBRASKA AND KANSAS.

SPEECH



HON. E. W. FARLEY, OF MAINE,

IN THE HOUSE OF REPRESENTATIVES, MAY 10, 1854.

on the state of the Union-

Mr. FARLEY said:

Mr. CHAIRMAN: I purpose on this occasion to state the grounds of my opposition to the bills now before the committee, which I shall treat as one, proposing territorial governments for Nebraska and Kansas; and I cannot forbear saying, that it is to me a source of great satisfaction, that my associations upon this floor in no way make me responsible for the ill-advised and unjustifiable form in which the measure has been introduced. I was elected to a seat here as a friend of the compromises of 1850. I am so now. I represent a district) entertaining conservative opinions upon the whole subject of slavery in the United States, and I am not to be denounced as a political Abolitionist, or a fanatic, because I hold views in opposition to this measure, as I have never acted, politically, with those who are considered in the section of the country from which I come, as maintaining extravagant ideas upon that important subject.

Nor should the people of the North be arraigned as Abolitionists and agreetors because they discountenance this movement. They have rights in this controversy; they have opinions which should be respected. The North is unanimously opposed to the extension of slavery over territory now free; she believes it to be a great evil, particularly to the white race; an institution which weakens rather than strengthens a people in those great elements which he at the foundation of national power and happiness. This sentiment is sincere, and, she thinks, well founded. I cannot better describe the depth of that feeling than by This sentiment is reading to the committee an extract from a speech delivered at Niblo's Saloon, in New York, on the 15th of March, 1837, by that great master of our language, Daniel Webster, who, on that occasion, said:

"On the general question of slavery, a great portion of the community is already strongly excited. The subject has not only attracted attention as a question of politics, but it has struck a far deeper toned chord. It has arrested the religious feeting of the country; it has taken strong hold on the consciences of men. He is a rash man, indeed, and on the counseineess of men. He is a rash man, indeed, and title conversant with human instruct, and especially that a very grenneous estimate of the clustracter of the people in the country, who supposes that it cleans of the country who supposes that it cleans of the country who is the country who is the country of the country is the country of the receipt into stientes, to endeavor to restrain its free ex-pression, to seek to compress and confine it, warm as it is, and more heated, as such endeavors would inevirably render it, should all hiss be attempted. I know nothing, even in the Constitution, or in the Union itself, which would not be endangered by the explosion which must follow."

The House being in the Committee of the Whole || sion of slavery over Territory now free; and the opposition to it is not, therefore, of an abolition type; it assumes a more general character. Such, I take it, is the object sought in some quarters. That such may, and will, without doubt, be its effect to a greater or less extent, will not, I think, be denied. Southern citizens desire the privilege of carrying their slaves into Kansas and Nebraska, as well as a decision in their favor of what they consider their right in the abstract. Indeed, southern gentlemen, here and elsewhere, seem to be divided in opinion as to the effects which will follow the passage of the bill, some contending that it will be of real, substantial advantage, others, that cer-tain amendments which have been incorporated into it, strip it of all advantages to the South. these differences of opinion I have nothing to do. The geographical position of the country to be organized into Territories, particularly Kansas, and its local position with reference to the State of Missouri, forbid the idea that slavery will not go there. One thing is certain, that so long as the Missouri compromise remains unrepealed upon your statute-book, slavery cannot go there. Repeal it, and it will go there. I therefore oppose us repeal, directly or indirectly, and I plant myself upon its constitutionality in every feature, and upon those public exigencies which existed at the time of its passage, and gave to it a sacredness and importance in the estimation of the country, which has, perhaps, never been extended to any other act of Congress since the organization of the Govern-

> There is no evidence to justify the opinion that either the South or the North expected, much less desired, the repeal of the Missouri compromise when this Congress assembled. Judging from the action of the last Congress, the southern mind would have been satisfied with a bill in which the subject of slavery was left untouched. It is now pressed upon the attention of Congress and the country as an Administration measure; and the energies of the Government, under the direction of a victorious party, are bent to its success. It is said that it will settle the further agitation of the slavery question. It may in the South, Will it in the North? With the events of 1850 fresh in our recollection, and the evidences which are hourly forced upon us of existing discontent and disappointment among the people at the renewal of the slavery discussion in Congress, to persist further in the prosecution of this measure in its present form, is to shut our eyes and ears to what is transpiring about us.

The compromise measures of 1850, as a whole, did not meet with general favor at the North when first proposed; for the sake of peace she came into their support, and has yielded it since endangered by the explosion which must follow."

with as much patriotism as any other section of the compromise.

The friends of the compromise

measures of 1850 at the North, in both the great parties, won their position through much trial. Their struggles were not without advantage to the country, and they deserve a better fate than that which awaits them, in the contingency of the passage of this measure. They will be sacrificed, and with them all those citizens of the North whose friendship for the South has been distinguished for its firmness, consistency, and intelli-gence, rather than for overheated zeal and subserviency. You destroy them at a single blow; you leave them without political position. What will the masses of the North say? Why, that your compromises are not worth the paper they are written upon. They will tell you that the measures of 1850, were considered a settlement of disputes then existing, and those only. Stop agita-tion! It cannot be done in this way. It will be reopened with tenfold vigor; old issues will be revived, and the public mind prepared for fiercer-controversies. As a friend of the compromise measures of 1850, I deny that they were ever considered as seperseding, setting aside, repealing, or in any way impairing the compromise of 1820. There is nothing in them to warrant that assumption. It is a bold and unblushing fraud upon the history and the common understanding of the people of the country as to the extent and effect of those measures. I know that such a construction was never given to them in my own State.

I hear it called a boon offered by the North to the South. Were it so, and clothed with a thou-sand benefits, the South should reject it, unless she be convinced that it is the free and spontaneous offering of such a portion of the people of the free States as would entitle it to be consid-

ered as a fair and truthful reflection of their will.

As to the sentiments of the people of Maine, so far as they were represented in the resolution passed by her Legislature at its recent session, rotesting against the passage of the Nebraska bill, "so long as it shall contain any provision repealing, abrogating, rescinding or in any way invalidating the Missouri compromise," and the importance to be attached to that declaration, I differ from my colleague, [Mr. MACDONALD] I am not aware that the difficulties attendant upon the organization of that Legislature had any influence in the passage of that resolution. I do not disagree with him in the censure which he casts upon an attempt, which was unsuccessful, to place a candidate for gubernatorial honors, who had received but a very small minority of the votes of her citizens, in the Executive chair of that State; that, and other transactions, had nothing to do with the action of the Legislature in relation to the Nebraska bill. I see no reason to doubt, indeed, I am fully of the opinion, that its action was the free and untrammeled voice of its members. That they were true exponents of their constituents, the evidences to my mind are conclusive. That resolu-tion passed the House of Representatives by a vote of ninety-six to six. One half of those ninety-six members were Democrats, who had stood upon the Baltimore platform, and supported General Pierce for the Presidency, and among them were most of the leading democratic members of the House. It passed the Senate by a vote of twentyfour to one. Eleven of the twenty-four Senators are Democrats, and some of them distinguished for the liberality and nationality of their politics. Now, sir, I will venture this prediction, that if this measure goes over to the next session, no man Government. The North does not complain of an be elected to the next Congress, from the this existing inequality; it is in the bond, and she

State of Maine, as the avowed friend of the repeal of the Missouri compromise. As to the severity with which my colleague criticised the political action of the northern people, touching this question of slavery, and other matters of public con-cern, while, I will not say that the North is without her faults, I think it was unkind in one of her own sons to blazon her political errors, if she has ever committed any, to the world. I can, how-ever, find an excuse for the ungracious character of his remarks, in the zeal which he considers it his duty to support the measures of the Administration, and particularly this one, proposing territorial governments for Nebraska and Kansas. If gentlemen suppose there has been any change

in the sentiments of those at the North, who have heretofore contended that Congress possesses the constitutional power to legislate upon the subject of slavery in the Territories, they are mistaken. The question of restriction will come up whenever additional territory is acc. ad, the destiny of which, as slave or free termon, as doubtful. The sentiment of the North as it was. She now feels that there is a to outrage and betray her. Pass this bill will do more to rouse a real anti-slavery the free States than has been accomplied all other causes combined. The anti-slav ment of the North has, as yet, only been a mente to by the Abolitionists; it is, however, the sentiment of her population. Pass this b North to take sides with that sentiment.

The foreign migration yearly pouring upon her shores will join in it. Neither the ern man or the emigrant has a single sympathy with the institution of slavery. The northern with the institution of slavery. The northern man will, however, stand by the constitutional rights of the South; he will be liberal and conciliatory in his political action. Do not ask him to go further. Intelligent and independent men there, wili look at this subject uninfluenced by party considerations. Opposition to the extension of slavery over territory now free, exists in the North in spite of the efforts of men enjoying the patronage of the Government under any Ad-ministration. The old idea of dividing the North through the disposal of patronage has had its day, and might as well be abandoned. The influence of officials in that section of the country has for years been growing "small by degrees and beau-tifully less," and the possession of the offices become an element of weakness, instead of strength, to the party in power.

The doctrine of non-intervention, as to the policy and wisdom of which the country is divided, and to which, in my humble judgment, a very large majority of the people are opposed, will not stop agitation. It is a mere expedient, a will not stop agitation. It is a mere expedient, a shuffling of the issue. In the extension of slavery over territory now free, the North, as well as the South, is interested, as a question of political power. The North knows and feels the advantages which the representation of three fifths of the slave population in this Hall, and in the election of President and Vice President of the United States, gives the South, for which the North gets no practical equivalent. That it gives the slave States, at this moment, twenty additional Representatives, and the same number of electoral votes; that it has given the South a monopoly of political power in the country since the organization of the Government. The North does not complain of

anon Fd Briggs

will stand by it; but in its farther extension, at war, as it is, with every principle of a free Government, she is interested, and will have a voice. If slavery gains a foothold in these Territories, it s a virtual exclusion of the people of the free States. Free labor and slave labor cannot both exist together, and each prosper. The South has not a better claim to these lands than the North. nor so good. As a question of comparative rights and interests, the balance is decidedly in favor of the free States. The aggregate white population of the free States is more than double that of the same class of population in the slave States. The number of slaveholders in the country, estimated as not exceeding three hundred and fifty thousand, is small, indeed, compared with the number of non-slaveholders.

As a northern Representative, I protest against the introduction of slave labor there, because it will as completely shut out the people of the free States, as though they were surrounded by a river of fire. I mean the great working classes of the North, native and foreign; the men who cultivate our lands, build our ships, construct our railroads, and, in the thousand other varied occupations of industry, add yearly to the national wealth and power of the country. If more land is necessary for slavery to spread itself over, it is more important for free labor, in all that goes to make the latter superior to the former. The practical effect of this measure is to throw the future condition of these Territories, particularly Kansas, under the control of slave labor. It borders upon a range of slaveholding counties in Missouri, and some of them extensively so. Its locality, then, divests the measure of that equality which, it is contended by its friends, will be secured to the North and the South by a repeal of the Missouri restriction; and these local influences, backed up, as there is every reason to suppose they will be, by the Administration, will be quite sure to decide their fate as slave states. Such, I contend, is the effect of the measure, if not its design. This is the view taken of it by the people of the free States. The people of New England, although considered of but little account in some quarters, have a deep interest in this question. Her sons are active, industrious, and migratory. She has as strong claims to be heard here as any other section of the country. She has never been backward to the calls of patriotism In the struggle for independence, the New England Colonies furnished more troops, in the aggregate, than all the others. The sons of New England were foremost in every crisis, from the battle at Lexington to the surrender at Yorktown. He who underrates her patriotism, her fidelity to the Constitution, and the great interests of a common country, very much mistakes his calling. Her chief glory is her free labor; it has made her just what she is, and has given her a population equal to any other which has ever existed. It is my pride that my lot has been cast among such a people; and, God helping me, their rights in the occupancy of these Territories shall never be snatched from them, while I hold a seat here, without my earnest opposition.

If the Missouri restriction remains as it is, the citizens of the different sections of the country are left upon an equality. If the southern man cannot take slaves there, neither can the northern man. No existing rights of property are abridged or mpaired. Since 1820, it has never been expected, Mr. Chairman, I find the power in Congres in any quarter, that these Territories were to be to legislate upon the subject of slavery in tha ipened to slavery; and the action contemplated by clause of the Constitution which says;

this bill is in violation of good faith, and not justified by the sentiment of the country since that time. As evidence of the most conclusive character that the country has considered the act of 1820 binding, I call the attention of the committee to its eighth section-to the third clause of the second resolution of March 1, 1845, for annexing Texas to the United States, and to the fifth clause of the first section of the act of September 9, 1850, to establish a territorial government for New Mexico. Here is the record, so plain in its object and meaning, that he who runs may read and under-

Before I proceed to a consideration of the constitutional power of the Government over the subject of slavery to justify the position which I have taken, I desire to say a word as to the rights of the Indians now located in these Territories. I am not at all sentimental in my opinions as to the policy of the Government towards the remnants of that once powerful race. Their destiny was indicated when the first white man touched the shores of the new world. I would be just to those who remain. From the delicacy of our relations with those tribes, growing out of treaty stipulations, I think it would have been wise to have postponed for a while longer the organization of of Indian Affairs, in his report to this Congress,

" From the time that the original Indian title to the counrry was extinguished, under the authority of the act of the 28th May, 1830, and the tribes transplanted from the States and Territories east of the Mississippi and located in it, until the adjournment of the last Congress, it had always been considered a country set apart and dedicated to Indian uses and purposes; and it was equally well underand uses and purposes; and it was equally well under-stood, before that time, that no person, other than an Indian, could reside there, except by permission of the Gov-ernment, and for a special purpose." "The entuciation, therefore, of the opinion that the country was open to octherefore, of the opinion that the country was open to oc-occupation and settlement at the time it year promulgated, was most unfortunate." "Congress had just before, by act of the 3d of March, directed the President to enter into negotiations with the Indian tribes west of the States of Missouri and Iowa, for the purpose of securing the assent of said tribes to the settlement of the citizens of the Jaited States upon the lands claimed by them, and for the purpose States upon not state examine by mem, and for the purpose of eximpushing later title to lisses lands in whole or in part." "I found it very difficult to quiet the Indians, and the large transport of the part with the large people to the iranquil condition large were in her order the discount of the subject and exploration of the country commenced."

The Commissioner of Indian Affairs was designated by the President to enter into the negotiations authorized by the act of March 3, 1853. He failed, on account of the suspicions of the Indians that they were not to be fairly treated; but he expresses the opinion, in his report, that the necessary treaties can be made with these border Indians during the months of April and May. None have yet been made. While, therefore, it is not denied, that the necessity for the organization of a civil government over Nebraska and Kansas cannot long be postponed, no present exigency of pressing importance exists for their organization. The Commissioner says, further, in his report:

"The statements which appear in the press, that a con-sum current of emigration is flowing into the Indian coun-siant current of emigration is flowing into the Indian coun-tries of the Indian countries of the Indian countries of the Indian on which I let the frontier, there was no sectionean made in any part of Nebraska. From all the information I could obtain, there were but three white met in the Territory, except such as were there by authority of law, and those adopted, by marriage or otherwise, into Indian tantiles."

"Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

This language is so broad and distinct that it explains itself-the Territories are the common property of the people; the sovereign will of that people can only be expressed through their representatives in Congress. Hence, Congress, under that provision, is the only power which can legitimately make needful rules and regulations for their government. The sovereignty of the Territories is fixed in the people of the United States, represented in Congress; its power over them is unlimited, save so far as it is restricted by other provisions of the Constitution, and the principles of justice and equity. Congress shall have the power to "make all needful rules and regulations;" it has therefore the power to decide what regulations are needful. It has a discretion and responsibility confided to it, and it cannot rid itself of either, without a culpable neglect of duty. right to hold slaves exists, not by any natural, inherent right, but by law alone; without law to sustain it, it falls. Congress, in its discretion, considering the institution of slavery injurious to the interests of the Territory about to be organized, and the country generally, may prohibit its introduction. If the clause to which I have alluded read in this wise, " Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory of the United States, inclusive of the subject of slavery therein," it would not strengthen the right of jurisdiction over that subject. It is as clearly embraced under that clause as any implied power, under the Constitution, which has been exercised by Congress; and perhaps more so than any other. The argument to be drawn from analogous powers, is entirely in favor of the right. Is the subject of slavery the only one of direct, personal, and domestic interest to the people of this country over which Congress has exercised the power of legislation? Has not Congress as clearly the right to legislate upon slavery in the Territories, under the clause I have quoted, as it possessed to pass an embargo or non-intercourse act in time of peace, under the "power to regulate commerce," the exercise of which carried ruin and devastation in its train? To contend that the power of Congress over the Territories extends only to the appointment of officers, is, in effect, a denial of all power in Congress to promote the interests of their inhabitants. They have the shadow of a Government, without any of the benefits which should flow from it. If Congress has not the right, and the people of the Territories have not the right, as is urged by one school, to touch the subject of slavery until the people assemble, by delegates, in convention, to form a State constitution, then, on a matter of the greatest importance, they are left in a state of anarchy.

Mr. Chairmon, the practical questions which some back upon us are theses: shall we establish the principle that the people of this country have no voice in settling the future destinies of half a million of square miles of vacant, unoccuried territory, and commit them to the hands of the first few persons, who may happen to reach it after we have established a territorial government? Shall we tie up the powers of this Government? Shall we tie up the powers of this Government to that degree for the future? I am not willing to do it, and I am at a loss to appreciate the wisdom of that principle of popular sovereignty which takes from twenty millions of the American people the

power to exercise any control in the government of their unsettled possessions, and passes it over to the first wagon load of emigrants from the old States, or the Old World. Our marrh as a people is onward; and if we would have the principles of our form of Government keep pase with our progress, we must not divest ourselves of the power to lay deep the foundations upon which they are to rest in newly acquired possessions.

Again, sir, whence comes the power in the Constitution of acquiring territory? Is it under the treaty-making power? If so, it is an implied power. Wherever the power comes from, I ask if it does not carry with it the power to govern and regulate the territory acquired? It is a legitimate inference. But to legislate upon the subject of slavery is to interfere with the local affairs of the people, say the friends of non-intervention. Suppose you acquire Territories where the law of primogeniture prevails, or a system of white servitude, utterly at war with all our notions of the rights of our own race, cannot Congress, under the clause I have been commenting upon, abolish either, in such a manner as it shall consider most conducive to the public good? Oh, no! says the friend of non-intervention, it is a domestic question, and must be settled upon the great principles

of squatter sovereignty.

It is said that these Territories, having been acquired under the Louisiana purchase, that there is a clause in the treaty by which it was acquired which secured the right of holding slaves in them, and that it was violated by the Missouri compro-

mise. It reads as follows:

"Agr. 3. The inhabitants of the ceded territory shall be incorporated in the Union of his Union of Sites, and admitted as soon as possible, necording to the principles of the Pederal Constitution, to the enjoyment of all he rishts, advantages, and immunities of citizens of the United States; and, in the men time they shall be minificiated and protected in the tree enjoyment of their liberty, property, and the ceiligion which they profess

A portion of that ceded territory has been admitted-Louisiana and Arkansas-without restriction as to slavery, it already existing there, and Congress waiving the extrcise of its power undoubtedly because of existing rights acquired in slaves. Besides, Arkansas was admitted since the passage of the Missouri compromise. When Missouri was admitted it was made a condition that slavery should be prohibited forever in all that territory acquired under the Louisiana treaty, exclusive of Missouri, and lying above the parallel of 360 30' of north latitude, with the implied understanding that the remainder of the Louisiana purchase below the line, which includes the now unorganized territory west of Arkansas, might come into the Union with or without slavery. That is the restriction now sought to be repealed; and it is said, as a justification for its repeal, in order that the people of the Territory over which that restriction extends, may come into the Union on equal terms with other States, they must have the right of introducing slavery if they please; in other words, that the people of the States, by virtue of their sovereignty, possess the power to authorize the holding of slaves within their jurisdiction, whether their Territory was part of the original thirteen States, or acquired since the adoption of the Federal Constitution, notwithstanding slavery may have been forever prohibited by Congress within their limits while they were under a territorial government.

The equality of the States in a participation of political privileges, under the Constitution, does

not depend upon the existence of slavery within their limits. Is the right to hold slaves necessary to the full enjoyment of all the rights guarantied to the people of the several States of the Union, under the Constitution of the United States? Is it a right inseparable to a republican form of government, which it is the duty of Congress to guaranty to every State? The rights of the States are well defined; nothing is said in the Constitution about conferring the power to hold slaves; it only recognizes the existence of the institution in the States where it is to be found, and provides for the delivery of fugitives from service. Slavery is a local institution, not a national one; slaves are held under State or local laws, and not by authority of Congress. In sixteen of the States the institution is prohibited by their local laws; in fifteen it is allowed. A citizen of Virginia cannot remove to New York with his slaves, and hold them in the latter State. His right to property in slaves is not derived from the Constitution of the United States, or the laws of Congress, and when Congress prohibits him from carrying that species of property into the free Territories of the United States, it deprives him of no right to which he is entitled under the Constitution.

As to that part of the Louisiana purchase embracing Nebraska and Kansas, there is no evidence that a single slave was held there at the time of its acquisition, or in 1820. The Missouri compromise, therefore, is not open to the objection that it impaired any rights to property in slaves. This part of the Louisiana purchase, so far as the question of slavery is concerned, and the power of the General Government over it, is not unlike the cession of Virginia of her title in the Northwest Territory, over which Congress immediately exercised a restrictive authority, by applying to it the celebrated ordinance of 1787, forever prohibiting slavery therein. If the power to make the purchase of Louisiana was not to be found in the Constitution, but rested in the necessity of the case, as was admitted by Mr Jefferson himself, then the action of Congress, since its acquisition, were there an entire absence of authority under the Constitution (which I deny) to warrant its legislation, may be justified on the same ground of

necessity. The slave States are not cramped for room. Leaving Utah and New Mexico out of the esti mate where slavery may go, if the people of those Territories so decide when they apply for admission into the Union, and the ratio of white population in the slaveholding States and Territories, to the number of square miles of slaveholding territory, is five and seventy-three hundredths of an inhabitant to the square mile. The ratio of whi e population in the free States and Territories to the number of square miles of free territory is seven and twenty-four hundredths of aninhabitant to the square mile. Now, the white population of the free States being more than double that of the white population of the slave States, it is plain, that there has been already appropriated to the latter, in proportion to their white population, more than double the amount of territory appropriated to the free States. This estimate is based upon the census statistics of 1850, and is, I think, substantially accurate, I dwell upon these considerations, not by way of reproach, but I do say, in view thereof, that upon every principle of fair-ness and equity, the subject of slavery in Kan-sas and Nebraska should be left where the me-of 1820 left it. We have grown to be what we are

through the spirit of compromise and concession; if we now adopt some other policy, we must prepare ourselves for the consequences which will follow. If zealous partisans, North or South desire a war of aggression by one section upon the other, pass this bill, and it will be but the first of a series.

It is contended, that if Congress possesses any authority over the subject of slavery in the Territories, it ceases the moment the people of those Territories assemble in convention to form a constitution, preparatory to admission as a State. If such be the case, then it is in the power of the convention thus called to reverse the legislation of Congress. How many settlers shall call this convention? Shall a few thousands, located in the vicinity of your forts and garrisons, determine forever the destinies of States large enough for empires? The propriety of the exercise by Congress of a guardian care over the Territories commends itself at once to the reason and judgment. The new settler, without means, and, perhaps, fresh from the oppressions of the Old World, deserves the protection and care of the Government over his adopted home. Non-intervention is the expedient of the politician to get rid of a troublesome subject. It is running away from responsi-bilities which the General Government cannot throw off, under the specious but fallacious pretense of leaving to the people of the Territories to do as they please with the momentous question of slavery. We may seek to put off this question of slavery in the Territories by a resort to non-intervention, but it will return to plague us as often as we make the attempt. Non-intervention will be popular South, when exercised for the extension of slavery ; it will be popular North when exercised for the extension of freedom. It will not harmonize the struggle between the two elements; it has not those principles of nationality about it for which its friends contend. It overthrew its author as a candidate for the Presidency in 1848, and it will leave any other knight, gallant enough to mount it for a similar race, sprawling in the dust. It is two faced-it looks North and it looks South; which section is to be cheated can only be told when the curtain falls. If the doctrine of nonintervention is, possessed of such magical power, why not carry its application farther? It is difficult to justify the power which Congress has always exercised over the territories of the United States, which, indeed, it exercises in this very bill, without conceding its application to the subject of slavery. This very bill provides that the President of the United States may appoint the Governor of these Territories, also the judges; it gives the Governor a veto power; it fixes the qualification of voters; it prohibits the primary disposal of If non-intervention is the correct principle, why not leave the exercise of all these powers to be provided for by the people of the

There is one other feature of the Missouri restriction in which I am a believer, though on this point, I shall probably find myself differing from some who would not disagree with me as to the power of Congress to legislate upon the subject of slavery in the Territories while under a territorial government. I refer to that portion of it which declares that slavery shall be forever prohibited above the line of 36° 30°. It is said with much canfidnee, that this feature is unconstitutional; that the moment the Territory is admitted into the Union as a State, the people thereof, can,

slavery, notwithstanding that restriction. I do not assent to this doctrine. It is said the States are sovereign, which is true to a certain extent. But their sovereignty is limited by the Constitution of the United States. They enter the Union under the conditions imposed by that instrument. The States of this Union cannot violate contracts; they cannot do an act in violation of the legislation of Congress, made within the purview of the Constitution. They are bound like other sovereignties, by the obligations of good faith and

To illustrate my position, I contend that the State of Ohio, admitted into the Union under the ordinance of 1787, which forever prohibited slavery within her limits, cannot, by changing her constitution, allow slavery to be introduced, because it would be a violation of one of the conditions under which she was admitted; and the right to freedom of a person held to service under such circumstances would be a proper question for the Supreme Court of the United States. The power of Congress to admit new States is unlimited. It is not compelled to admit them. It may make the non-introduction of slavery a condition of the admission of a State, because the right to intro-duce slavery, is, as I have before remarked, not requisite to State equality under the Constitution of the United States. The principle is distinctly recognized as late as 1845, in the joint resolutions for annexing Texas to the United States, (part of that Republic lying above and part below the line of 360 30',) in these words:

" And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be

"In such State or States as shall be formed out of said territory slavery shall be prohibited." Here is an express and unequivocal recognition of the principle of the Missouri compromise and of the prior legislation of Congress relative to the subject of slavery in the Territories of the United States.

Mr. Chairman, the Missouri compromise, for such I prefer to call it, was a compromise of opinions and interests between the two great sections of the country. It did not pass without southern aid, nor without northern aid. It was heralded to the world as a great national measure; it met the approval of the people, and has been fully sustained by them; and he who undertakes to assert, that it was considered by the people as superseded by the measures of 1850, has an up-hill work before him. The assertion carries its own refutation along with it. Such a farce cannot be success-fully played off upon the voters of the North or South. This Congress may enact a thousand times over, that the measures of 1850 are a justification for the repeal or modification of the Missouri compromise; a northern President, turning his back upon the hardy freemen of those mountain regions from which he sprang, may endorse it, but the people of the whole country will as often hurl our action back upon us as a falsification of the recorded legislation of the Republic. I doubt if any man can be found who took the ground, prior to the passage of the compromise measures of 1850, that they were to be construed as subversive of the compromise of 1820. I denounce the idea, as never having been alluded to among the people whom I represent. They believe, and such, I think, is the sentiment of the

by State action alone, authorize the admission of | people of Maine, that the measures of 1850 were supported as a distinct class of measures, and as best calculated to adjust the difficulties then existing. The object for which they were designed was accomplished, and the northern mind was content to take them as such, and has shown no disposition since to reopen the controversy.

And here let me say, that what, in my judgment, satisfied the people of the North in the organization of territorial governments for Utah and New Mexico, under the provision, "That when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission," was the supposed impossibility of slavery getting into either, owing to climate, soil, and existing laws. They did hot give up the principle than Congress has the power to prohibit slavery in the Territories; they waived the exercise of it as inexpedient and unnecessary at that time. They were willing to trust the fate of those Territories The result to what seemed a favorable fortune. remains to be seen. For the sake of the Union. and under such circumstances, the North yielded the exercise of the principle, but did not abanden This statement is, I think, historically correct, and fully sustained by the celebrated resolu-tions of Mr. Clay, offered by him in the Senate, in February, 1850, and by the subsequent speeche, of himself and Mr. Webster, all of which, it has always seemed to me, were the substratum of that series of acts now known as the compromise

measures of 1850. I say, then, that the true policy for the country, considering the radical differences which exist between the North and the South on the subject of slavery, is to let the Missouri compromise alone. It will be in vain that you attempt to satisfy the North that its repeal or modification is right, necessary, or expedient. It will be at war with the opinions, sympathies, and prejudices of the present generation of voters at the North, who have been educated to regard the Missouri compromise, as one of the great land-marks in the legislation of the Republic. Let it stand, and you will have peace, concord, and devotion to the Constitution. Repeal it, and your flag will wave over a discontented people. Gentlemen say it will be a nine days' wonder. They mistake. Its repeal will be the nucleus for an agitation which will manifest itself here for the next century, interrupting the legislation of Congress, and alienating the different sections of the Confederacy. It will puzzle any man to demonstrate the benefits which are to fall upon the country if this measure is adopted. I have heard the idea suggested, in the discussions which have arisen since its introduction, in which I do not at all concur, that slavery will not, to any considerable extent, go into these Territories. If the measure is destitute of the excuse that slave labor is not necessary in those Territories for their cultivation, and would be unprofitable, the impolicy of pressing its adoption is still more apparent. If it is to be urged because of the political advantages which will accrue to the South by making Kansas and Nebraska slaveholding States, it should not be forgotten that the North, too, may be roused to extend the political power of the free States. Those rich provinces lying contiguous to her northern borders are more desirable than those

Mr. Chairman, the introduction of this measo

of Mexico.

ure into Congress is one of those great political blunders sometimes stepanized as crimes. It has nothing to recommend it, while it is burdened with the guilt of scattering broadcast among the people of the country the seeds of dissension and sectional strife. It should be driven from every nook and corner of the land. False to the North, and of doubtful benefit to the South, it should have no resting place here. I do not feel that I use language too condemnatory. The present state of public sentiment, and the palsied condition of our legislation, justifies it. I care not whence the measure comes, or how supported, as a Representative of an American constituency, I will speak of it as I thuik it deserves.

Mr. Chairman, as a nation we shall gain no credit by repealing the Missouri compromise. The strength of free governments is in their do-mestic harmony and the respect which their political action commands from an adherence to the principles of truth and justice. The sentiments of the most enlightened nations are against the further extension of African slavery; the settled convictions of a large portion of our own people are against it. To permit it to spread over Kansas and Nebraska, under all the circumstances which are connected with this measure, is to war against the sympathies of the civilized world, and wound the sensibilities of the best friends of American institutions at home and abroad. I think it was the celebrated Robert Hall, of England, who said, after hearing the result of the great battle of Waterloo, that the clock of the world had gone back. Let it not be said of this, the Thirty-Third Congress of the United States, that it has taken a retrograde step in the great cause of humanity. speak more with reference to the interests of the white race than the black. I never have believed that the two races were destined by the Almighty to live upon terms of equality, social or political, under the same Government. I reject the views of the morbid philanthropist and philosophical theorizer. I look at things as I find them. Such a state of equality between the two races has never existed, and, in my opinion, never can. Whenever the two races in anything like equal numbers are thrown together in a state of political equality, the one or the other must go to the wall. Immediate emancipation in this country would, in my opinion, be the greatest evil which could happen to Changes, if any take place, must be both races. gradual, and the work of centuries. I am content to leave the subject of slavery where it exists, to those most interested. My position is not, therefore, that of the political Abolitionists on the subject of slawery, with whom I should probably find myself differing on most every point, save its exten-sion over territory now free; and if I find myself agreeing with them in opposition to the measure before us, it is because there is no middle ground left for men of moderate views to stand upon. are forcing together unnatural alliances. We are fast driving, I fear, to what will prove the grave of the best hopes of the Republic, a geographical division of parties, so much deprecated by the Father of his country, and the most eminent of our statesmen., I wish southern gentlemen would take a dispassionate view of the effect of this contro-versy upon the northern mind. There is less of versy upon the northern mind. fanaticism in the free States than they think, and there is more of honest, sincere opposition to the extension of slavery over free territory. Distrust of the northern people should find no place in the southern heart. They have too often given their "

support to southern statesmen, and to measures looking to the aggrandizement of the South, to justify any suspicion of their fidelity to the obligations due from one section of the Union to the other. It is time that all shuffling with the question of slavery was done away with. The North and the South should better understand each other. Under the old compromises we can go along safely and securely. Let us leave to those who are to come after us the adjustment of future causes of irritation, should only occur.

There is no necessity for multiplying the issues which already exist between the North and the South. In some quarters the agitation of sectional questions seems to be considered the alpha and omega of the duties of public men. Even now, the opinion is avowed, that our Government should interfere with the internal police regulations of Spain over the island of Cuba. It is seriously proposed by some persons, occupying important positions, too, to clothe the President of the United States with the discretion to suspend, during any future recess of Congress, the neutrality laws, so far as ourselves and Spain are con-The idea is also boldly advanced, that it would be proper to give him this discretion during the session of Congress. And for what purpose is it designed to give him these extraordinary powers? Why, to prevent the Spanish Government from taking any steps towards an ameliora-tion of the condition of the slaves held in that island, or any emancipation of the same. In my opinion, there is not sufficient evidence to warrant the opinion that Spain has any such object in view, as the immediate emaricipation of the slaves held in Cuba. Suppose she has, what right have we to interfere with the affairs of that Government touch ing her own people, any more than we should have to interfere with the affairs of the Governments of Great Britain or France regulating theirs? I can readily understand, that the acquisition of Cuba may be considered desirable in the South as a measure looking to the increase of the political power of the slaveholding States; and to the people of the northern States as important to their commercial interests; and to the whole country as an important military post, and as putting in our hands the power to break up the African slave trade carried on there. I am aware, also, of the objections which exist to having the island pass from the control of Spain to that of any other Power. Its acquisition would be dear upon any terms, unless the white population of that island desire it. What disposition have they yet manifested to throw off the Spanish yoke, much more to come under our own Government? The peaceable and honorable acquisition of Cuba, with the assent of her white population, is an event not to be dreaded; but its forcible acquisition, on the ground that we suspect that the Spanish Government has it in contemplation to emancipate the slaves held there, is quite another thing, and cannot be accomplished without a war, and to the jeopardy of the Union of these States. For such a purpose, to arm the President with despotic powers, would be an act of stupendous folly and wickedness, and should excite the alarm of every friend of the Constitution. The exercise by him of such discretionary powers would be an act of war. The people of this country never will sustain a war commenced upon such pretexts, unless they have so far changed their policy, as to avow their intention to regulate the affairs of other nations, and proclaim our flag to be the protector of buccaneers

and pirates. The South and the North have too much at stake to rashly hazard their most important interests in such a war, where neither honor nor aggrandizement can be gained. If it is expected that by springing this Cuba question upon the country at this time, and in this form, to divert the attention of the people from our do-mestic controversies, it will fail, and add to our present embarrassments. Sir, in the existing conflicts among the great nations of the Old World, our policy is peace. With peace, we shall enjoy a degree of prosperity which must place us in a position of power, wealth, and population, without a parallel in history.

To deny the power in Congress to legislate upon the subject of slavery in the Territories is to reverse its practice from the organization of the Government. The ordinance of 1787 was reaffirmed by the first Congress which assembled under The prohibition of slavery in the Constitution. free territory was the original policy of the Government. Under that policy, Ohio, Indiane, Illinois, Michigan, Wisconsin, and Iowa have been admitted into the Union. The same policy has been applied to the Territories of Oregon, Minnesota, and Washington. It was waived in 1850, in the organization of territorial governments for Utah and New Mexico, as I have before explained.

Fortunately, Mr. Chairman, under the Constiution there is a tribunal where these disputes
may be settled. I mean the Supreme Court of
the United States. It is the great conservative branch of the Government, standing between the recklessness of a radical Democracy on the one hand, and congressional over-action on the other. It has always enjoyed the respect and confidence of the country. The hearing and decision there, far removed from the excitement of the hustings, and the turmoils of debate, of great questions arising under the Constitution and laws of the United States, are guarantees of impartiality and wisdom. I trust that these controverted questions touching the power of Congress over the subject of slavery in the Territories, if they are to continue to distract the country, will, sooner or later, be carried there for a settlement. Can the southern man fairly object? During the greater portion of the time since the organization of the Government, the majority of that Court, as now, has been composed of citizens of the slaveholding States.

Mr. Chairman, I will not forebode evil. not despair of the Republic. This contest cannot endanger the Union. For the sake of securing a triumph over the faith of the country, plighted by the patriotic men of 1820, the people will never throw away the countless blessings which the Union confers. I notice that a southern journal calls upon southern Representatives "to present the Nebraska bill as one alternative, and, if needs be, disunion as the other." Such a threat has no terrors for me. If I thought the southern mind was truly represented in that declaration, I should hear it with pain; but it would not change my determination to vote against the repeal or any modification of the Missouri compromise. If it be not egotistical, I will say, that let this contest terminate as it may, I can haidly conceive of the existence of any circumstances which would induce me to join

a sectional party. There are representatives here, upon this floor, from Louisiana, Tennessee, North Carolina, and Maryland, who, by their candor, firmness, and sound statesmanship, indicate that this cannot be made a strictly sectional question. In my opinion they deserve the thanks of the whole people. The national and compromise men of the country will rally around them; the masses of the people, who are neither politi-cians nor office-seekers, but desire peace and a faithful adherence to the Constitution, and the great compromises made under it, will stand by them. If this agitation is to continue, I shall to every reasonable extent act with such men. I shall follow the flag which is upborne by those who adhere faithfully to the compromises of 1820 and 1850, and I care not much who leads the column, if he is only reliable there; and when that flag fails me, I shall stop, but only to find some other banner, whose motto is, " preserve the faith of the nation against all attempts to violate it, come from whatsoever quarter they may."

APPENDIX.

"An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to problibit slavery in certain Territories."

Pernones."
Sec. 8. And be it further enacted, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies North of 30 3W north latitude, not included within the limits of the State contemplated not included within the limits of the State contempliqued by this act, shevery and involvantary servitude, otherwise than in the punishment of crimes, whereof the parties should probabilistic Frended always. That any person escaping into the same from whom labor or service is lawfully chained, in any State or Territory of the United States, such fagitive may be lawfully reclaimed and conveyed to the geson claiming his with those or service as aftereald. " Approved March 6, 1820."

Extract from third clause of second resolution for annexing Texas to the United States:

"Third. New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hercaller, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the shall be cuttiled to admission under the provisions of the Pederal Constitution. And such States as may be formed out of that portion of said territory bring south of 385 300 north lattitude, commonly known as the Missoni compro-nise line, shall be admitted into the Union with or with-out slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missoni comprehates line, stavery or involuntary servicude (except for crine) and the said of the said state of the said state of the said state of the 4 sharpows. March 1 1845.7

"Approved, March 1, 1845."

Extract from the fifth clause of the first section of an act approved September 9, 1850, entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico:'

a Provided, That nothing herein contained shall be construed to impair or qualify anything contained in thic third article of the second section of the 'joint resolution for annexing Texas to the United States,' approved March 1, 1845, either as regards the number of states that may here. after be formed out of the State of Texas, or otherwise."

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Say that or that he had a series of the seri W. P. FESSENDEN, OF MAINE,

The Repeal of the Missouri Prohibition, North of 36° 30'.

Delivered in the Senate of the United States, March 3, 1854, on the bill to establish Territorial Governments in Nebraska and Kansas.

Mr. PRESIDENT: - It has been my desire, if this debate continued long enough to afford me a fair opportunity of doing so, to submit a few remarks upon the subject under discussion, or upon so much of it as relates to the repeal of the Missouri Compromise. The hour is now, however, so late that I am exceedingly reluctant to enter into this debate at all; and I would refrain from doing so altogether, but for my own position, and what I believe to be the almost universal sentiment of the people of Maine. As the youngest Senator in this body - the Senator who has most recently taken a seat upon this floor - I have feared that it might look something like intrusion in me, at any time, and especially at so late an hour, to present any remarks whatever to the Senate upon a matter which has been so thoroughly discussed, and upon which nothing new in the way of argument can be adduced. If, however, any excuse were necessary, it may be found in the fact, stated in the public press, that the Legislature of my own State, a Democratic Legislature, has recently passed resolutions, almost unanimously, instructing its Senators to endeavor, by every proper means in their power, to defeat the passage of this bill in its present shape. Under such circumstances, Mr. President, if I should suffer the occasion to pass without entering my protest otherwise than by a mere vote upon the subject, I might be adjudged neglectful of my duty. I may add, sir, in reference to the hour, that, controlled by the consideration that until every other Senator who desired to speak had been allowed the opportunity to do so, and trusting that I might have the privilege at a proper hour in the day to express such views as I might happen to entertain, I have remained silent to this time. But, sir, I understand, and it is generally understood, that the determination is to bring this matter to a final vote before we adjourn; and I have, therefore, only to avail myself of the present hour, as I best may.

Mr. President, I am opposed to slavery in any form and shape in which it exists, or may exist. I am free to say, that had I been a member of Congress when the question of the admission of Missouri was brought before it, anon Fol Briggs

and had then entertained the same opinions that I entertain now, I should have voted against its admission, as a slave State, to the last. I am free to say further, that had I been a member of Congress in 1850, I should have voted against what is called the fugitive slave law; and I should have voted against any organization of the Territories of New Mexico and Utah, unless with the Wilmot provise as a part of the bills providing for such organization. But, sir, while I say this, I may express the regret that questions such as these have come to assume now a position of mere North and South. I do not intend, on this occasion, to argue the question of the social, or moral, or religious effects of slavery. Sir, I have none of what is called "sickly sentimentality" on this subject. I am not a "humanity-monger," in the language of the honorable Senator from Georgia; that is to say, I am not a man who makes a trade of humanity; but when I say this, I hope I may be allowed also to say one thing more; and that is, that I respect even a "humanity-monger," a man who makes a trade of it, quite as much as one, if such an one can be found, who has no feeling at all upon the question of slavery as it has existed, and continues to exist, in so large a portion of these United States. . PE IT IS A STATE

While I do not intend, Mr. President, to make any extended remarks in relation to that part of my subject, for the very sufficient reason that the right to argue a question of that kind seems to be confined to Southern gentlemen, and that when a man from the free States, according to my observation, rises here to speak on the subject of slavery in its relations to humanity, he becomes at once a "humanity-monger," or a sickly sentimentalist, or a fanatic, or something of that kind; while, at the same time, it seems to be perfectly right and proper that the other side of the question shall be debated at any length, at the desire or convenience of gentlemen - although I say I do not intend to enter into that question - I must be permitted to state to the honorable Senator from Mississippi, [Mr. Brown,] that the people of my section of the country do not agree with him, and would not be much affected by the picture which he has presented of the peculiar social advantages of the institution. Sir, in the portion of country from which you and I come, [Mr. Foor being in the chair,] labor of any kind, if it be honest labor, is honorable. In that section of the country all men are equal, politically. Their social relations, and their social condition and position, they make for themselves. Every man must find them, or make them, as he can; but it militates nothing against his social position, although it may change the social sphere in which he moves - it is nothing that derogates from any political right, or any social right, or any other right, that he has - that necessity compels him to labor; ay, sir, and compels him to labor in a menial employment. In my country a menial employment, if it is an honest employment, pursued from necessity and not from taste, however menial it may be, is honorable to a man, if it be honestly pursued. We judge not the man by the kind of laber he follows, or by the amount of remuneration he receives for it. If he is an honest man, and labors honestly, he is more respected than one who performs a dishonest service, be the remuneration ever so high, ay, even although the reward for it might possibly be the highest office in the gift of the people of this country.

This may be a vulgar notion, and it is a vulgarity common in that section of the country, we are willing to admit. But although our people entertain these vulgar notions, they are not without others. They are a reading people, and a thinking people. They have churches, academies, common schools,

newspapers, and all the ordinary resources of moral and mental education. As I have said, they read and they think, and, among other things upon which they entertain fixed opinions is this - that the institution of slavery is of no advantage, in any point of view, to any portion of the country in which it They reason upon this subject, perhaps, somewhat from contrasts. They contrast, for instance, the States of Ohio and Kentucky, of Virginia and New York. They go back to the time when Virginia was far ahead of New York in population and power, and they look at her present condition, and see that she is not inferior in physical and natural advantages; and perhaps they draw inferences unfavorable to the institution of slavery in its effects upon the growth and welfare of a people. They have also another idea; and that is, that inasmuch as they are a part of this people, inasmuch as they belong to this country, and are a part of the great whole, whatever is injurious to the whole becomes a matter of interest to them. And, sir, they believe, that if an institution injuriously affects the prosperity of a part, its evils are felt throughout the whole system. It touches them as citizens, and as having an interest in the common welfare; and they have a right to consider and think of it; and not only that, but to express their opinions about it; and when they come here, desiring to uphold, within the scope of the Constitution, the rights of all the citizens of the country, of all men in this country, with due respect to every compact in the Constitution or otherwisefor they are a people who regard compacts-they have a right to think and speak as they please on this subject of slavery, as of every other, through their representatives, in this branch of Congress or the other. And this right they will exercise.

But, Mr. President, I go further, and say, that, call it what you will—fanaticism, sentimentality, or any other name that may be most satisfactory to gentlemen—we claim the right not only to speak out our opinions in relation to the institution of slavery, whenever our interests, as a part of the great whole, are affected by it; but if there is any portion of this country where our interference is not precluded by the provisions of the Constitution, we have the further constitutional, and legal, and moral right, to act upon it, and to act upon it here as well as elsewhere. And we may act, and should act, as well with reference to those great principles of justice and equality upon which our free institutions are based, as with regard to considerations touching our national or individual advancement and prosperity. Sir, I am one of those who believe them all to be so intimately blended that they are,

and must remain forever, inseparable.

Leaving these general propositions, permit me to observe, Mr. President, that the people of the free States derive a more peculiar and immediate relation to this question of slavery from the Constitution itself. On looking at its provisions, they find that the slave power in this country—if I may so call it—has the benefit of the only inequality that I know of existing in that instrument. I allude to the principle upon which Representatives are apportanced. Gentlemen all know—for every one is familiar with the provision to which I refer—that in this particular a very great advantage is given to the slave States. Its effect is to represent in the National Councils that which in those States is recognised as property. If, then, this inequality exists, the free States are unquestionably interested to limit the increase and extension of such a power, so far as they can constitutionally do so, whether in old territory or new. Sir, we feel the effects of this inequality every day. We feel it in the greater degree of power exercised by the citizens of one State

than is exercised by the same number of citizens of another. We feel it in that unity of purpose and concentration of action which are so much more readily accomplished among a smaller than a larger number of persons, and which we never fail to experience when the interests of slave labor and free labor are supposed to be in conflict. Sir, that unity and concentration which the predominant nature and character of this institution afford, in all questions of national legislation affecting it, or affected by it, are quite enough of themselves, without superadding the weight of an unequal representation. In the free States we have no such principle of union. Our interests, whether fancied or real, are as various as our pursuits. And thus it has ever happened that the political power of this country has been wielded, and the legislation of this country moulded, by that interest which, when the occasion calls for it, can always be brought to bear with its whole force upon a given

point.

Sir, I am aware that at the formation of the Constitution slavery existed in most, if not all, of the States of this Union, and hence the provision I refer to might seem to carry with it the appearance of equality. But, as a matter of history, it is known that this rule of representation was much contested; and a single glance at the condition of the country at that time will readily explain why it was so. Senators are, undoubtedly, much more familiar with this matter than I am, for they have considered and weighed it much more than I have. Sir, on looking back to that early time, we see that the boundaries of the United States were fixed and determined. In some of the States slavery had died out, and in others, from whatever cause, it was fast passing away. The limits of slave territory and free territory in the old thirteen were then as well understood and defined in men's minds as they are at the present day on the face of the earth. Under these circumstances, known as these facts were, and with the limits of this country so specifically described and understood, it was wise for the framers of the Constitution, and for the people, to understand, and it is to be presumed that they did understand, just how far this inequality in the Constitution of the United States would operate upon that portion of the country which was destined to be free country. I say it was as well understood then as it is now; and that it was so, has become, as we may well suppose, a matter of history. The objections that were made to that provision in the Constitution at the time it was formed were done away or overruled, and the North, or, as I suppose then there was no North, the free States, or those destined to be free, considered themselves, and at the time must have been considered, to have reasoned as they did reason, that the effect of that institution upon the political power of the country must necessarily be limited by the extent of that which remained, and would remain, slave country. The Ordinance of 1787 had been passed, and was in operation, and was recognised, and that tended to render still more and still better defined how far this provision in the Constitution would operate against what was to be the free portion of this country, and how far this inequality in the Constitution was to affect the rights and interests of the North.

But, sir, in process of time what did we see? The North has been accused here of endeavoring to oppress the South, and of wishing to limit the power of the South under the Constitution. Did the free States ever exhibit any disposition to limit that power, so long as their action was confined to the original territory of this country? Was there any objection to the admission of Kentucky as a slave State, or to the admission of Tennessee as a slave State? Was there any agitation then upon the subject? Was there any fanaticism?

Was there any objection to the admission of any one State formed out of that which was originally slave territory—Mississippi or Alabama? None at all, sir. They came in as readily, and met with as little objection from the free States of the Union, as any other act of the Congress of the United States. This is all matter of history, matter of common knowledge. Everybody

knows it who is at all familiar with the history of this Union.

But the purchase of the Louisiana Territory created a new state of things. Slavery existed there at the time of the purchase. That acquisition was generally admitted at the time, and is now generally admitted on both sides of this Chamber, to have been at least of doubtful constitutional propriety. The honorable Senator from Connecticut [Mr. Toucey] was the first, I believe, in this debate, who has said that he considered it perfectly justifiable under the Constitution. It was not so considered at the time. It has very seldom been so considered since, by the best authorities upon the Constitution of the country. It has been pretty generally admitted that it was, in point of fact, beyond the original intention of the framers of the Constitution, and has been justified only as a matter of necessity. But, waiving that, Louisiana became the property of the Union by virtue of the purchase in 1803. think that is the date; but exact dates are of little consequence. Soon after that-some years after-a proposition was made to admit the State of Louisiana into the Union. What was the effect of that admission? We had already four new slave States, I think, with eight Senators on this floor, without objection on the part of the free States. Louisiana was proposed as a new State, to come into the Union, changing the condition of things as it existed at the time the Constitution was formed, and giving to the South more and new power, not intended, not foreseen, and not anticipated by the North, or by the free States; for I am unwilling to repeat North and South so continually, as if there were no other points of compass in this country. Louisiana came into the Union as a State. Was there any fanaticism upon the subject? Was there any difficulty made by the free States then? they throw themselves in the way of the prosperity of the slave States? Did they make any disturbance about the "peculiar institution?" The moment Louisiana was admitted, more power than ever was anticipated under the Constitution was acquired by the slave portion of this country; but was there any objection on the part of the free States? Not at all. If the subject was mentioned, it was passed over without creating any difficulty anywhere. And why? Because it seemed to be a matter of propriety or necessity. As my honorable friend, the Senator from Massachusetts, has said, you could not have done otherwise, except by a mere act of abolition-by saying distinctly that Louisiana should not come in at all until it had taken measures to abolish slavery; a condition the free States did not propose; perhaps, did not desire. Was there any ground of complaint here on the part of the slave States of this Union? Had they any right to say, under the circumstances, that there had been any illiberality, any fanaticism, any desire to limit their power, or to confine them within narrow bounds? Soon after that, some seven or eight years, Missouri was proposed for admission, and Arkansas became a Territory. That was slave territory too. Slaves were there, I believe, at the time of cession.

But, by this time—and it is not remarkable—the free States of this Unionbegan to inquire what was to be the end and effect of all this. Here was territory which was not in the Union at the start. Here is territory extensive enough to make some six, or seven, or eight, or ten new States of this Union, which are to be admitted, one after another, and thus, probably, to change the whole existing state of things, as we understood them to be at the time the Constitution was formed. They then took a position for the first time-and I will show, by-and-by, why they took that position-that no more slave States should be received into the Union. Sir, was there not some reason for it? What consideration had they received? Was not this Territory of Louisiana purchased, as we are told, by the common treasure of the United States? And, on the principle now assumed, that what is purchased by the common blood or the common treasure belongs to all, and must be fairly divided, was there not some reason why the North should inquire whether this thing was to go on, from one State to another, contrary to the original intention and understanding when the Constitution was formed, until we should be at last overborne by the territory thus purchased? Was there anything remarkable about it-anything that should occasion what I have understood to be the tremendous excitement of that day, when the same cry which has since been heard in regard to the dissolution of the Union was loud all over this country, especially in the slave States, and we were threatened with disunion if the matter was persisted in? There was such an excitement, and it resulted, as these contests have eternally resulted since the foundation of this Government, in the North giving way. Senators may talk here about this matter being settled; about the North having the balance of power in its hands, which it may retain, and will retain, in despite of every effort or wish to control it. But what is the fact? The fact, as shown by history, is, that there has been no conflict between the free States and the slave States, since the foundation of the Government, in relation to this important question, where the free States have not been obliged to yield in the end; and they have been obliged to yield because they were too much afflicted with that class of men described by the honorable Senator from Massachusetts, [Mr. SUMNER,] in his speech the other day, and for the want, moreover, of that unity of interest and purpose of which I have spoken heretofore.

That contest continued for a time. What was the result of it? It is not pretended that at that period there was a single individual citizen, out of Missouri, living and established north of the line finally agreed upon, with slaves, or otherwise. It was a wilderness, and there were certainly no slaves there. Therefore, there were no rights of slavery there. The result was an agreement, or compact, or whatever you choose to call it; for gentlemen now, in this branch of Congress, do not seem to deny that it was a compact. that agreement a line was to be drawn on a certain parallel, and in all territery above that line, from that day thenceforth, slavery was to be prohibited, leaving the implication that slavery might be permitted below that line. Under that agreement and stipulation, not in the form of a contract, signed, sealed, and the consideration expressed, in order to suit the legal views of the Senator from Connecticut, [Mr. Toucev,] not drawn up according to the law books; but sufficient to be an understanding between honorable men, acting for a nation, acting upon a great national question, that line was established, and Missouri came into the Union. What was the result? What is the bargain? Gentlemen have spoken of a bargain. It was nothing more nor less than this: that above a certain line slavery should never go. was the consideration. For that, Missouri should come into the Union as a State, unrestricted with reference to slavery. That is all. In the course of this debate it has been said that the free States broke the compact—that they objected to the admission of Arkansas. The fallacy of that statement has been proved in a public print. No man now will repeat it. There was no opposition founded on the fact that slavery existed there. Mr. Adams was at the time the leading Northern man in the House of Representatives, and he expressly said there was no such objection. No one made it an objection. So, then, with reference to the admission of Missouri itself, and with reference to the admission of the State of Arkansas afterwards, Senators cannot make out any breach of compact, if compact it was, on the part of the free States.

See what was done.

Look a little at what was given and what was received. On one side were three powerful States, destined to be powerful, each at the very moment of their admission entitled to two Senators in this body, thus vastly increasing the political power of the slave States-I speak upon this question now, not as a sentimentalist, but as a politician, in reference to its political aspects and effects-coming in at once, or within a very short space of time. They gave to Congress all the power of those States, both by their Senators and their Representatives. What was given on the other side? A chance that, at some future day, a day which at that period was understood to be remote, far remote, above that Compromise line might be formed free States. At that time the country was inhabited by Indian tribes. The title to a large portion of it was not acquired, and could only be acquired by treaty, which treaty would require the sanction of two-thirds of this Senate, with all the power of the slave States in full exercise, to carry it into effect, before the lands could be occupied. And what has this Government been doing since? The honorable Senator from Tennessee [Mr. Bell] has informed us; and we all understand that a large portion of that territory has been set aside as Indian territory; and that, in addition to the three or four tribes of Indians-I do not pretend to know the exact number-inhabiting that region of country at the time of its cession, some fifteen or twenty more have been removed and located upon it. This, sir, was the consideration received, and it is all the consideration. On the one side, three States were admitted within the course of a few years, with all the power they could bring into this body. On the other side, was the remote possibility and contingency that, at some future day, when a large portion of the country, not yet settled, could be populated, free States should be carved out of it. Am I right, as a matter of fact? believe myself to be historically correct.

What has happened since? Florida was admitted as a slave State into the Union, without one word of objection on the part of the free States; thus making another slave State, coming in by purchase, above or beyond what was originally contemplated in the Constitution. A little further on, and Texas became annexed to this country; and the same line, by another compact or agreement, was to be run through that Territory; but what was the effect of it? The immediate admission of a large, and rich, and powerful State, with two other Senators, giving additional political strength to the slave power; we-I say we, because this is put as a question of North and South-the Northern or free States of this Confederacy, having the possibility, at some future day, that we might acquire some additional free States out of the territory thus gained. I should like very much, as the Senator from Connecticut [Mr. Toucey] and other Senators have done, to speak for the whole country, and not for a part of it; but the difficulty is, that those gentlemen from the free States, from the Northern States especially, who come here with these words in their mouths, to speak for all the country, and not for a part of it, are apt to forget the part they come from; and, therefore, if I would not also forget the portion of the country which I represent,

I must speak of that first, and before all.

must speak of that first, and before all.

Here, sir, have been three, four, five—I believe those are all—five powerful States admitted into this Union, with ten Senators upon this floor, without objection, and all from newly acquired territory. Is there to be seen in this a disposition to oppress the South, to take advantage of numbers in reference to this question? Has any narrow, short-sighted policy been exhibited? I have not been able to find the slightest evidence of it.

Well, sir, the Compromise measures of 1850 became the law of the land. We had acquired new territory from Mexico, and new questions arose. And, sir, although the whole of that newly-acquired territory was free territory in every sense of the word, yet, California could only come into this Union as a free State, on the condition that two Territories, Utah and New Mexico, should be so organized that they might hereafter become slave States. Such was the Compromise of 1850 in this particular. I wish Senators to understand that I do not recognise that so-called Compromise as in any manner binding upon me. Though a member of the Whig Convention at Baltimore, which made those Compromise measures a part of its platform, my honorable friend from Georgia [Mr. Dawson] will bear me witness-for we were both members of the committee which reported those resolutions-that I refused my assent to the resolution endorsing those measures. But they became the law of the land, and are recognised throughout the country as a compromise; and by those measures the South obtained all it could reasonably anticipate

or desire.

Mr. President, it has been claimed for these Compromise measures of 1850, that they satisfied all parties, and restored peace to a distracted country. Secessionists, disunionists at the South, men who stand, I suppose, in this particular, upon the same level with the fanatic and sentimentalist, were hardly disposed to remain quiet; but the great mass of the people, North and South, seemed willing to avoid all further agitation, and wait the event. Why were they so disposed? Sir, the whole country had been threatened with a dissolution of the Union. We heard much of concord and brotherly love. We of the free States, especially, were ominously informed that certain fire-eating gentlemen of the South were about to dissolve the Union within a week; and, if I rightly recollect, it was dissolved some two or three times, in this very Chamber. At any rate, the day was appointed; but, from some defect in the arrangements, it slipped by, and the thing was not done-the bolt did not fall. Sir, it is well understood that upon that threat, that pretence, the free States were induced to yield the Wilmot proviso. I know it was argued that slavery could never go into those Territories-Utah and New Mexico; that it was excluded by a law of Providence, irrepealable in its nature, stronger than all human laws, which rendered the Ordinance of 1787, as applied to those Territories, not only useless, but absurd. If such was believed to be the fact, what was the occasion of so much angry excitement? Was the Union to be dissolved for a mere abstraction-an idea that, if carried out, could lead to no practical result?

Well, sir, the people of the free States have, pretty generally, chosen to submit. As a private citizen, I have been willing to content myself with the right to abhor the institution of slavery as much as I pleased; not wishing to interfere with it in any way within the limits of any State-either that of the Senator from Georgia, [Mr. Dawson,] or any other; having no desire to disturb his rights under the Constitution, or the rights of any other person, directly or indirectly; but feeling through my whole system a great aversion to the thing itself, and laboring, moreover, as a citizen of this Union, residing in a free State, under the strong pressure arising from the constitutional inequality I have already spoken of. With these sentiments I have felt, and shall ever feel, bound in duty to resist, here or elsewhere, so far as I constitutionally may, the extension of slavery in this country to the utmost of my power-with little effect, it may be, but the obligation is no less imperative on that account.

But peace was obtained. We were a happy people. We sat down under our own vine and our own fig-trees. We endeavored to be quiet. Brotherly love was all abroad. We met our friends from the South in perfect concord. All differences had been settled. There was no trouble anywhere. We were all, to use a familiar expression, "happy as the days are long." Suddenly, in the midst of this concord of ours, comes a proposition to take from the free States just that which had been given for all these civil, social, and political advantages which had accrued to the South-to take the little that was allowed to the free States by the compromise, or compact, or whatever you call it, of 1820. This proposition presents itself in this Chamber without a word to the country, without a syllable having been said, to my knowledge, at least, in any State of the Union upon the subject. Southern gentlemen on this floor repudiate the authorship of the proposition, protesting that it did not come from them, and would not have come from them-admitting in point of fact, as I understand them, that they considered the whole thing as dishonorable in itself, and the sin of it should not be laid at their door.

Why, then, is this remarkable proposition before us? For what purpose has it come? To allay agitation? There was none. To make peace? There was nothing but harmony, says the Compromise of 1850. Why was it? I am at a loss to divine. Was it to establish a principle merely? Will you set this country in a flame upon a principle? Gentlemen from the South tell us that nothing is to be gained by slavery from it. They tell us upon their honor that they think slavery cannot go into these Territories. Nothing practically good, or practically evil, is to come from it. And yet we find every man of them, almost, on this floor, and on this question, contending that this thing shall be done, that it is right, and that although they had received all the advantages which I have mentioned from the previous legislation of this Government, they yet demand more, and require that the Compromise which set aside the whole of this territory for freedom shall, for political considera-

tions, be abrogated and dissolved.

Sir, I have in my possession an address to the people of Maine, bearing date March 7, 1820, and signed by a majority of their Representatives in Congress, among whom were Enoch Lincoln, afterwards Governor of the State, and Ezekiel Whitman, afterwards Chief Justice of its highest court. That address states the true ground of objection to the admission of that State into At that time she equalled in size and population any of one half the States of the Union. No one disputed her right to be admitted as a sovereign and independent State, as Alabama and Mississippi had been admitted, without a question. Her territory was a part and portion of the old thirteen. She had furnished soldiers in the Revolution, and recruits to your army and navy in the second war of independence, as it was called. She had every claim to be received with open arms; and yet, sir, how was the fact? Her admission was opposed on political grounds. The opposition was founded in a jealousy of power. Maine was objected to without Missouri, because Maine, without Missouri, increased the power of the non-slaveholding States. For the first time, the question of the balance of power was raised, and raised by the South. And thus it happened that Maine, with her thousands of inhabitants, in full position, and having every capacity to become a powerful member of this Union, was to be, and was, excluded, notwithstanding the previous admission of new slave States almost without a question, unless, and until, yet another slaveholding State could come in at the same time. Sir, with such a warning, was it wonderful, I ask again, that the free States should have begun to inquire where this was to end, and should have insisted upon a line beyond which slavery should not go? And when we find the South, almost to a man, advancing to obliterate that line, can we be at a loss to understand the object of such a movement?

The time and the manner, as it strikes me, of introducing this proposition into this body, are both singularly unfortunate. Why, sir, have gentlemen forgotten, on either side of the Chamber, the appeal they made on this floor to the people of the North to quiet agitation? Have they forgotten all they said and prayed for? Have they forgotten the denunciations they threw out against those who causelessly or uselessly brought this country into a state of agitation? Have they forgotten the stirring appeals they made to the fraternal feeling of the free States. If they have not forgotten these things, let me ask them with what propriety can they now, when they say this is merely the affirmation of a principle; when they admit that no practical good is to come of it; when they say they expect nothing of it except to put a few words upon the statute-book-how can they, with any regard to their own pretensions to love of country, yield their support to a proposition like this ?- a proposition most carefully calculated to excite all the angry feelings that can be excited in the bosoms of Northern men. Sir, this was a compact. Will they not yield something for good faith? It is demonstrated here that the South received its consideration long ago. Will the free States feel nothing at being robbed of their portion? It is shown, palpably shown, that slavery has gained great advantages from this new territory; will you take away all the advantages you agreed some thirty years ago that freedom should receive from it?

Mr. DOUGLAS. Who says it was a compact?

Mr. FESSENDEN. Who says it was a compact? Everybody has said so since I have been on this floor. It has been said so over and over again.

Mr. DOUGLAS. What friend of the bill said so?

Mr. FESSENDEN. I cannot call names, but I have heard nothing else.

Mr. PRATT. Give one name.

Mr. DOUGLAS. Yes, give one name. It has been called a compromise. Mr. FESSENDEN. Well, I am not particular about words. If it was a compromise, what else was it but a compact, if that compromise resulted in a agreement?

Mr. BUTLER. The gentleman seems to argue the question very fairly.

Will he allow me to make a single remark?

Mr. FESSENDEN. Certainly.

Mr. BUTLER. I wish to pronounce what I think is consistent with the purpose of this bill. In the Constitution—now mark what I say, the gentleman seems to trace distinctions very clearly—in the Constitution there were no such parties as North and South; there were thirteen States entering into this Union, and under the Constitution—

Mr. FESSENDEN. I deny that the thirteen States, as States, framed

the Constitution. It was the act of the people.

Mr. BUTLER. Very well; go on. I have no hope for you.

Mr. FESSENDEN. The Constitution was not formed by the States as States. It was formed by the people of the United States, as I have always understood it. I am not choice, as I stated, in the use of language; and I do not care whether gentlemen admit the word "compact" to be applicable or not. I mean by that the proposition that they made themselves, and enforced by the aid of Northern votes; those who voted for it from the North being pledged to go home and defend it before their people, on the ground that they had received this consideration for it. That is the doctrine, and no other, that I have heard, and is all I wish to say in reference to that point.

I hope if there is agitation; if there is excitement; if there is fanaticism, if you choose to call it so; if there is sickly sentimentality, if you like that better, in the free States from this time forward, you will just cast your eyes back to those who made it, started it, and gave occasion for it. If you hear of cavillings at the North, coupled with denunciations of slavery at the South, recollect the state of quiet from which you brought it forth. It is not enough to tell the people of the free States that this was tendered by the North to the South. We do not admit the authority of the Senator making it, though he may occupy a most eminent position, to speak for the North. He has no more authority than I have. At any rate, we repudiate him as acting for us in our part of the country. I can answer for my own State. With all the respect that the people of my State may have for his character and position, he cannot claim, and the gentlemen of the South cannot claim for him, or for any other gentlemen from the North who act with him, that he speaks for us, except so far as his own State is concerned. They cannot claim for him that he has any right to tender from the North this release. And allow me to say, that I do not understand that principle of honor, although it seems to be well understood here, which allows that what cannot honorably be taken directly, can be grasped with honor when offered by another having no authority to give it. There may be some very nice distinctions in the minds of gentlemen. They may be able to reconcile the difficulty. They could not, it seems, move in this matter; they could not undertake to bring it up in any shape or form; but, inasmuch as the proposition has come here, they will not wait to see whether it is authorized by those who alone are competent to make it, but will take it at once, and settle that question afterwards. Sir, I do not understand such a principle.

Sir, what are the particular grounds of excuse for the introduction of this troublesome question at the present time? Mark you, no practical result is expected from it. No change of position is to arise from it. Nothing is to come out of it at all, except the repeal of this restriction in the act for the admission of Missouri. That is all, and that all is nothing, say Southern gentlemen. Why, then, is it to be done? Because, say several Senators, that restriction is unconstitutional. But upon this point there is a difference of opinion among themselves. I understand my honorable friend from North Carolina [Mr. Badger] to say—and I have great respect for his opinion as a lawyer—that he has no doubt of the constitutionality of that restriction. I understand other

Southern gentlemen to affirm its unconstitutionality.

But it is singular, that, in the history of this question, the unconstitutionality of this restriction laid dormant in the minds of Southern gentlemen for more than thirty years. It is very singular that it laid long enough for them to avail themselves of the admission of Missouri as a State, of Arkansas as a State, and of Texas as a State. When the latter question came up in this Senate, not the first man that I know of, or ever heard of, breathed the idea, or suggested it in any way, that a restriction thus fixed and determined was unconstitutional. Why did not that objection arise then? What new light has been shed upon the country? When did it come? Did it present itself at any time before slavery was ready—having secured all it at first claimed— to grasp all the remaining territory? How far is this to go? Are we next to remove the restriction in the resolution admitting Texas, and is all new territory hereafter to be acquired to be subject to no restriction? I think the country will be led to inquire what is to be the effect of this continued increase of slave States? Gentlemen talk of the balance of power having been secured to the free States. It strikes me that there will be some little power secured to the South, or to the slave States. But upon this question of constitutionality we have had an argument from the learned and honorable Senator from Connecticut, [Mr. Toucev.] He was not content with the views taken by other gentlemen, but has argued the matter in full, as a lawyer. Allow me to say, sir, that upon that question I never had the least doubt. I can give a reason for it. Sir, in my early reading there was such a thing found as sovereignty. The Senator from Michigan has given us an argument on the subject of this constitutional power of Congress to prohibit slavery in the new Territories.

Mr. CASS. Do you find it in the Constitution?

Mr. FESSENDEN. Suppose I do not; does it exist, or does it not exist?

Mr. CASS. It gives you no power.

Mr. FESSENDEN. Is there such a thing as sovereignty recognised by

the people?

Mr. CASS. I will state to the Senator that it gives you no kind of power. You are sovereign in relation to other nations. When you want to know what you may do, you may consult the laws of nations to ascertain; but as to who is to do it, and how it is to be done, you must look to the Constitution;

and if you do not find it there, it is with the people.

Mr. FESSENDEN. I acknowledge the very high authority of the honorable Senator; but I want to ask again, and gentlemen may answer it or not, whether there is or is not such a thing as sovereignty, the power to command, and the power to make laws? It strikes me that there is. Well, if such a thing existed over this territory before it was ceded by France, if it did exist there when the territory was ceded to the United States of America, did or did not the sovereignty pass with the territory? It ceased in France. Did it become extinct, or did it live and pass to the United States? If it passed to the United States, it passed to the people of the United States. Sovereignty-what is not granted by the Constitution-is in the people. All sovereignty with us is in the people. They parted with none, except in the form of the Constitution. If it existed in the people, to whom do the people delegate that sovereignty? How do they exercise that sovereignty? Why, sir, they delegate it to the officers of the Constitution, whom the Constitution made; to the Congress of the United States, and the President of the United States. What sovereignty they may have, so far as they did act upon the subject, was delegated to the Congress of the United States. Is not this particular subject provided for in the Constitution? Is nothing said about the Territories in the Constitution? Do we not find them mentioned there? I

believe we do. I think we find it said that Congress shall have the power to make all needful rules and regulations regarding the Territories.

Mr. CASS. "Territory or other property."

Mr. FESSENDEN. I know that it is "territory or other property."

Mr. CASS. Not "Territories."

Mr. FESSENDEN. Well, the territory of the United States; because at that time there was but one Territory. But "territory" is a general term. It means just as much as if it was in the plural, and said "Territories."

Mr. WELLER. Does not the Senator regard the decision of the Supreme

Court of the United States?

Mr. FESSENDEN. Undoubtedly; we are bound always by those decisions, though on one side I sometimes find they are of very little authority; but we will not dispute about that. I am not about to cite cases. I am speaking of what the Constitution provides; and it declares "the Congress shall have power to dispose of and make all needful rules and regulations respecting the Territories or other property belonging to the United States."

Mr. WELLER. Territory.

Mr. FESSENDEN. Well, territory. It makes no difference—the territory of the United States. Gentlemen argue this thing as if that included nothing but the regulation of the lands. Is not that a new idea? How long has it existed?

Mr. CASS. Since the decision of the Supreme Court.

Mr. FESSENDEN. When was that?

Mr. CASS. Some twenty years ago.

Mr. FESSENDEN. I cannot dispute the gentleman. Then that is to say that there is no further power given by that clause of the Constitution than to take and acquire land. Has the Supreme Court decided that?

Mr. CASS. I will state to the gentleman that the Supreme Court decided that "territory or other property," in that connection, meant lands. The Supreme Court decided afterwards, independently of that, that the power to regulate and dispose of the lands did include the right of jurisdiction.

Mr. FESSENDEN. What does the expression mean, "to make all needful rules and regulations?" Does it mean to make laws? How otherwise do we make rules and regulations? Can Congress speak in any form except in the form of laws? What does the Constitution mean when it says that Congress shall "regulate" commerce? How? By law. What does it mean when it says Congress shall "regulate" the value of coin? How can it do that? By law, by statute. How does it make "rules and regulations" for the government of the Army? By statute. How does it make regulations for the government of the Navy? By statute. Congress can make no rule or regulation except as a law. Very well, then, if Congress has power; if so much of the sovereignty and power of the people of the United States is given to make laws for the Territory, I should like to know where the limitation is on that power to make laws? The honorable Senator from Michigan [Mr. Cass] himself says that there must be power to organize the Government. Where does he get that from, and why do you go to necessity, when there is a positive provision found in the Constitution of the United States?

Sir, I do not deal in abstractions, but in plain and palpable provisions. "Congress shall have power to make all needful rules and regulations." Is there any gentleman here who contends that the power to organize and govern

is not found under this clause of the Constitution, or if not found there, under the general power which it has as proprietary of the land? I thought it was contrary to Southern doctrine ever to resort to mere implication, when you find a positive provision in the Constitution on the subject... I say, then, that not only is this a new doctrine, but, in my judgment, it is a doctrine unfounded in the Constitution; and I say, moreover, to the Senator from Michigan, that if you carry out your doctrine of squatter sovereignty, as it is called, I see no reason why the people of those Territories may not institute a monarchical form of government, or any other which they choose, as long as they continue a Territory; because, although the Constitution of the United States guaranties a republican form of government to every State, it does not guaranty it to the Territory; and if they have the exclusive power of legislation, and taking care of themselves, and regulating their own concerns, I see no limitation upon them until they become a State.

I am no convert to the doctrine, new as it is, that this provision, this restriction upon the slavery power, introduced into the act of 1820, was otherwise than constitutional. I believe that the similar restriction in the joint resolution for the annexation of Texas was equally constitutional. I believe that the Wilmot proviso is quite as constitutional; and I have already said, that under my impressions, I would have adhered to it. I know of no other position taken except that assumed by Southern gentlemen, who say that this restriction is at war with equal rights. We demand equal rights; we wish

to go into that Territory with our property, say they.

I do not mean to argue that matter. It has been exposed by the Senator from Michigan fully and conclusively. But I would ask Southern gentlemen why they cannot go there on as good terms as we can, if they go themselves? It would be a pertinent inquiry, how many negroes a slaveholder must take with him from a slave State, in order to place him on an equality with a Northern man? Does your equality consist in having negroes about you? Why, there is no Southern gentleman within the sound of my voice, or anywhere, who would not scout the idea that he was not, in every respect, equal, if not superior, to any Northern man. And yet, gentlemen rise on this floor, and gravely argue that they cannot go into that Territory on equal terms, and with equal rights, with Northern men, unless they can be protected there in that "property" which is so necessary to their social enjoyment. I do not intend to carry out this inquiry to any greater extent. I rose merely to state some of my own views, and the views which, as I believe, the people of my State almost unanimously entertain upon this question. They consider it a mere matter - I will not say of robbery, for that would not be parliamentary - but a matter of gross injustice. They make no appeals to the magnanimity of Southern Senators or Representatives. They know that they gain nothing by such an appeal, from those who come forward, under such a state of things, to repeal this Compromise line, after availing themselves of all the advantages which have resulted from it. They would gain no more by appealing to their magnanimity than they would by appealing to their love of peace. But we may appeal, with some hope, to their justice; for I agree with my honorable friend from Ohio, [Mr. WADE,] that, in the matter of justice, as administered in their courts, they have been ready to render just judgments.

But, sir, if this is designed as a measure of peace, let me tell you—not by way of prophecy, but as my own opinion—that anything but peace you will have. If gentlemen expect to quiet all these controversies by adopting

what my constituents now consider, and very well consider, an act of gross, wrong, under whatever pretence it may be, whether on the ground of the unconstitutionality of the former act, or any other, after having rested so long satisfied with it, let me tell them that this, in my judgment, is the beginning of their troubles. I can answer for one individual. I have avowed my own opposition to slavery, and I am as strong in it as my friend from Ohio, [Mr. WADE. And I wish to say, with all seriousness, that if this matter is to be pushed so far beyond what the Constitution originally contemplated; if, for political purposes, and with a political design and effect—because it is a political design and effect—we are to be driven to the wall by legislation here, let me tell gentlemen that this is not the last they will hear of the question. Territories are not States, and if this restriction is repealed with regard to that Territory, it is not yet in the Union, and you may be prepared to understand that, with the assent of the free States, in my judgment, it never will come into the Union, except with the exclusion of slavery. It may be that we shall be overborne as we have been before. I know not how many people of the North will yield to the cry of fraternity and concord, and all that sweet lullaby which has been sung in their ears so long. I only know that if their rights are outraged in one particular they must look to the next point. I speak to gentlemen as they have spoken to Northern men on this floor. If the Compromise of 1820 is to be annulled, if the Texas Compromise is to be considered unconstitutional, and go for nothing, the time will come ere long when we shall be called upon to act upon another question than this of the mere organization of Territories. I speak for myself with all frankness. Gentlemen have talked here of a dissolution of the We have heard that threat until we are fatigued with the sound. We consider it now, let me say, as mere brutum fulmen, noise, and nothing else. It produces not the slightest impression upon the thinking portion of the public. You laugh at it yourselves.

Mr. BUTLER. Who laugh? [Laughter.]

Mr. FESSENDEN. You at the South. You do not carry it seriously into private conversation.

Mr. BUTLER. No, sir; if your doctrine is carried out, if such sentiments as yours prevail, I want a dissolution right away.

Mr. FESSENDEN. As has been said before, do not delay it on my account.

Mr. BUTLER. We do not on your account.

Mr. FESSENDEN. Do not delay it on account of anybody at the North. I want the gentleman to understand that we do not believe in it. We love the Union as well as you do, and you love it as much as we do; I am willing to allow all that. But, sir, if it has come to this, that whenever a question comes up between the free States and the slave States of this Union we are to be threatened with disunion, unless we yield, if that is the only alternative to be considered, it ceases to be a very grave question for honorable men and freemen to decide. I do not wish to say anything offensive to gentlemen, but I desire them to understand what I mean. It is that we are ready to meet every question on this floor fairly and honestly; we are willing to be bound by the decision of the majority, as law. If it operates hardly upon us, we will bear it. If it is unconstitutional, we must go to the proper tribunal for a decision, and not threaten each other with what no one of us desires to exe-

Such, sir, are my views in reference to this matter. I have not spoken

them so much for the Senate, as for the purpose of giving expression to what I believe to be the sentiments of those I have the honor to represent on this floor. Whether right or not, time only can decide, and I am willing to abide that decision.

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MR. FESSENDEN, OF MAINE

THE MESSAGE OF THE PRESIDENT TRANSMITTING THE LECOMPTON CONSTITUTION.

Delivered in the United States Senate, February 8, 1858.

The President's message, transmitting the Lecompton Constitution, being under consideration, and Mr. Douglas having intimated a desire to take up a resolution of inquiry relative to certain proceedings in Kansas, which motion was objected to and waived-

Mr. FESSENDEN proceeded to address the Senate, as follows:

Mr. PRESIDENT: I was perfectly willing to give way for the purpose of allowing the Senator from Illinois to introduce his motion, in order that the Senate might pass upon the question whether or not any more information was to be afforded to us, officially, than we have already received. I was suspicious that it was not the desire of the majority of the Senate that the resolution of the Senator from Illinois should pass, and that the information sought for should be obtained. I had no idea that its passage would be permitted; but yet I was willing to make the experiment. If, as a matter of fact, it had appeared to me probable-if I had supposed there was any reason to believe-that an investigation would be had with regard to the allegations that have been made, of fraud in one stage or another of this proceding in Kansas, I should probably have been willing, very willing, to waive any remarks on the general question until that information was obtained. The inquiry, however, that I put to the honorable Senator from Missouri, [Mr. GBEEN,] the other day, as to the intentions of the Committee on Territories, and the answer I received from him, satisfied me that we should have no other information afforded to this body, officially, than that which we now have; and, therefore, I see no reason why I, or any other Senator who desires to do so, may not as well proceed to comment on this message of the President now, as to defer remarks until we have a report on the subject from the committee.

Mr. GREEN. I thought I remarked-I know it was my intention to do so-that the committee had never considered that point, and that I was that, as far as I was concerned, I would undertake to carry out whatever instructions the Sen-

ate gave me. Mr FESSENDEN. I understood the answer of the Senator to say exactly that; and strange as it may seem to him, that answer satisfied me of what I have just stated, that we should have no more official information on the subject. Other Senators may draw a different conclusion, but such was mine. I was remarking that, under the circumstances, I saw no reason why any Senator might not as well proceed now to comment on this message of the President, and on the various topics connected with it, as to wait until we shall have a formal report from the committee on the

I think, sir, that the message has been drawn with care and with design. It is an argument presented to the country-intended as an argument which should affect and infinence the minds of the people in reference to the great question which is soon to be tried before this body, and decided, so far as we are able to decide it. I deem it, therefore, not unimportant that the views of some gentlemen, to some extent, should be expressed with reference to that message, and that the country should understand that, although the officer highest in position entertains certain opinions which he has expressed on this subject, others, who are in a less degree, perhaps, the representatives of the people, entertain different opinions, take a different view of the facts, and have something to say with reference to the statements that have been made. In the comments which I propose to make, I do not design to go much further than to make a statement of the case, as I understand it. Whether, with the impressions prevailing on my mind, I shall be able to make a fair statement of it, will be determined by the result. I certainly shall endeavor to do so.

The message which we have received, transmitting the Lecompton Constitution to us, is certainly, in some respects, a singular one; and whatever demerits it may have, there is one not authorized to speak for the committee; but thing about it which is observable, and which I

which seem to have pressed on the mind of my respected friend from New York, [Mr. SEWARD.] In his remarks on the army bill, he deemed it to be a matter of consequence that troops should be raised in order to quell the disturbances in the Territory of Utah, and seemed to be of the impression that other questions were in such a state of forwardness towards a settlement, that the Government could not need the increase of force for which it asked with reference to any other subject than the Territory of Utah. Now the President tells us very distinctly, in his message, that he has need of troops, and may continue to need them, not only for the Territory of Utah, but also for certain purposes in the Territory of Kansas; for he says, distinctly, that in case the Constitution should be accepted, and Kansas become a State, he will then be able to withdraw the troops from Kansas, and use them where they are more needed-distinctly referring to the Territory of Utah. We may infer, then, that if the Lecompton Constitution should not happen to be acceptable to Congress, troops are still to be kept in Kansas for the purposes for which they have been used there heretofore. I cannot believe that the honorable Senator from New York can in any manner justify the keeping of those troops in Kansas, or can in any manner believe there is any necessity for keeping them there, in the existing state of things.

The President clearly intimates that he will be obliged to keep the troops there if the Lecompton Constitution should not prove acceptable, and Kansas be not admitted with it. That is his conclusion; for if, as he says, he can withdraw them an case Kansas becomes a State, it is implied that he cannot withdraw them unless Kansas becomes a State. That is the clear inference. That is singular, for the reason that, at the present time, we know the fact that the Territory of Kansas is under the control of what is called a Free State, and what gentlemen choose to call an Abolition, Legislature. There is no difficulty Those who are denounced as in Kansas now. "rebels," but who are in fact the Free State party of Kansas, and a majority of the people of Kansas, have control of the Government of Kansas at the present time. If this Constitution should not be adopted, and Kansas should not become a State under it, what is the result? That the power is in the hands of the rebels; for rebellion, as it has been called, has things all its

own way. I see no necessity on the part of the President to keep troops there for the purpose of aiding in establishing the Government, which is going on so much according to the will of those whom he has been accustomed, and desired, to control by the use of the troops. It is a very singular declaration on the part of the President. What? That unless Kansas be admitted as a State under this Constitution, he will be obliged to keep troops there—for what purpose? For the purpose of controlling the Free State Government of Kansas; for the purpose of controlling the majority who now have the Government in their

trust may in some manner relieve the difficulties | played? Is Kansas, while it remains a Territory, still to be held under military domination, simply for the reason that those whom he has heretofore chosen to denounce as rebels are now in the possession of the Government, and will continue so unless Kansas becomes a State under this Constitution? It is a very singular declaration to put forth to the country, and yet such is the plain inference from the message he has communicated to us.

Sir, I admit that this message is entitled to be treated with respect, for the reason that it comes from an officer who is always to be spoken of with respect, so far as those associated with him in the Government are able to do so.

Mr. SEWARD. As the honorable Senator is passing to another point, I wish to make an explanation. I think the honorable Senator from Maine has probably fallen into some error, by not considering the effect of all I have said in regard to the army question. I will state it once more, in order to remove a misapprehension from his mind. I stated, in my last speech on that subject, that I spoke with great diffidence on that point, because I was not half convinced myself. I began with that remark. I stated that my difficulty arose in not knowing the future in Kansas, and the future operations in Utah. If I knew what was to be done in regard to Kansas, and if I knew what was to happen in Utah, I should see my course as clear as others; but, on examination of the whole subject, I came to the conclusion that there would be such a state of things in Kansas as would oblige the President to withdraw the troops. That state of things I considered in the first place to be the admission of Kansas as a State during the present session of Congress; or, in the next place, the leaving of Kansas where she is, without bringing her in as a slave State under the Lecompton Constitution. I had no belief then, and I have not now, that an Administration would be so infatnated as to endeavor to keep an army there, though such an inference may be drawn from the President's message. On the other hand, I have my own mode of reasoning, which brings me to the conclusion that there are to be disasters in Utah which to-day do not appear so distinctly to the vision of other persons, and I was obliged to decide on the question then when I spoke.

Under these circumstances, and having these opinions, I certainly should give my support to the measure which I proposed, which was the employment of an additional number of men with reference distinctly to their operation in Utah, and their being disbanded when that difficulty was through. What circnmstances may change the case, I do not know. I stated at the same time, most distinctly, that the President would never obtain my vote, nor the vote of any other person, if I had any influence with him, to retain an army in Kansas, the use of which was to maintain the Lecompton Constitution, or to maintain Federal authority in the Territory, against the will of the people. That is my position now. If that should be the state of the case, (as the Senator thinks it will be,) I shall vote with him. own hands. Is that the game that is to be If, on the other hand, the state of the case should

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be as I think it will be, then I shall expect the honorable Senator to vote with me, because I believe we have precisely the same views on this point, differing only in the importance we attach to the developments already made.

attach to the developments already made.
Mr. FESSENDEN. The honorable Senator predicates his supposition, then, upon utterly rejecting the President's assurance of what he means to do. The President intimates, quite distinctly, that unless Kansas be admitted as a State, with the Lecompton Constitution, he will be obliged to keep the troops in Kansas. Now, I know the Senator does not mean to vote for the admission of Kansas under the Lecompton Constitution, and therefore what is his inference? He must either take it for granted that Kansas is to come in under that Constitution, and that therefore the troops are to be withdrawn, (in which case no more are needed;) or else that it is not to come in, and if not, that the President does not mean to perform what he has promised in relation to that matter. I take it for granted that Kansas is not to be admitted under this Lecompton Constitution, and I also take it for granted that the President then will, if he has army enough, keep troops in Kansas with a design to control the Free State people there, as he has done before. I do not understand with what object the Senator can vote for an increase of the army to relieve him from the necessity (if such a necessity might exist) of withdrawing those troops for the sake The Senator of quelling disturbances in Utah must reconcile it to himself. He undoubtedly acts from the best motives, and is the best judge of his own actions.

But, sir, I proceed to speak of the message itself. I was remarking that it was entitled to be treated with all the respect due to the eminent position of its author. In times past, we have been accustomed to receive these messages, and to believe the author, in sending them to Congress, intended to perform that part of his constitutional duty which enjoins on him "from time to time" to "give to the Congress information of the state of the Union." A message from the President of the United States should import absolute verity; and heretofore, whatever else we may say about them, we have been accustomed to believe that Presidents of the United States, in communicating a message to Congress, in undertaking to give information to Congress, would at least tell the truth; at any rate, that they would not set at defiance known and recorded facts, nor make an argement all on one side; ignoring facts quite notorious with reference to one position, and stating that which was not supported by fact in regard to the other. And yet, sir, with all the respect which I entertain for the officer who occupies so eminent a position, and notwithstanding all the impressions I have with reference to his constitutional duty when making a communication to Congress, I am compelled to say, under the circumstances, that the President has been guilty in this message not only of ignoring well-known facts, but of stating as facts matters which he must have known, if he examined the documents, could not be true. What excuse he has

I have to remark next in regard to the tone of this message. The tone of a message from the Chief Magistrate of the Union, to accord with his character and position, should, in my judgment, be dignified, plain, and impartial; it should not be denunciatory; yet, from the beginning to the end of this message, we hear from the Chief Magistrate of the United States strong denunciations, in severe language, of what he admits to be a majority of the people of the Territory of Kansas; while he has not one word to say-nothing save excuse and palliation-not even that, but rather approbation, implied approbation-for all that has taken place there in opposing the efforts of the people of Kansas to obtain a Free State Constitution. I think the language of the message in that particular is unworthy a man who has been chosen by the suffrages of his fellowcitizens to fill one of the few great places of the world.

It is a little, singular, too, when we consider his education, that, with reference to this controversy, he has no sympathy whatever for the object which the people of Kansas, those whom he admits to be a majority, declare themselves to have in view. He was born and educated in a free State. He has seen all the advantages of free institutions. He has seen his native State of Pennsylvania grow to be one of the very first in rank in the Union, and to retain that rank; to be one of the first in wealth, one of the first in power, stretching out its arms on every side, towards commerce, and manufactures, and agriculture-growing with a rapidity unprecedented, its people enjoying all, not only of the comforts but of the elegances of life, simply from the fact that its people have been left to labor, to carry out the cardinal doctrine on which our institutions were founded-that the capital of the country is the labor and employment of the free people of the country. Notwithstanding all that, and notwithstanding all that he has witnessed of the enormous growth of the free States under free institutions, we have not one word in the message, from the beginning to the end, except denunciation of those who are attempting to extend the benefit of the same institutions to the Territory of Kansas. There is no sympathy for them. He exults, his tone is that of exultation, when he speaks of the fact that the Territory of Kansas, which he calls a State, although it is not yet a State, is now as much a slave State as Georgia or South Carolina. His tone is that of gratification, that instead of being a free State, like his own, and instead of joining the sisterhood of the great free States of this Union, it has placed itself on the very different level of the slave States of this Union, and is bound from this time henceforward, as he thinks, to the car of Slavery. The tone in which he speaks of this is to my mind incomprehensible, and it shows that, for some reason or other, he has chosen to forget the land of his birth and education, with all its manifold advantages and blessings.

well-known facts, but of stating as facts matters which he must have known, if he examined the documents, could not be true. What exuse he has is of trifling importance, he says—not precisely in for this, before the country, it is not for me to say.

institutions under which they are to live were of no consequence to them! Who should be interested but the thousands who are to live there, to receive the benefit or suffer the evils which are to flow from the institutions established there? It is of consequence to the slave States of the Union, he says. Is it none to the free States? He does not intimate that it is. It is of no comparative importance, he thinks, because there are but a few thousand people in Kansas, forgetting, as he does, the many thousands and hundreds of thousands who may be there in a very short period of time, covering its plains, and tilling its valleys until they smile. It is not enough to say that the question is of very little comparative importance, as connected with them, but it is of great importance to the slave States of the Union. They have much feeling about it; they are to be consulted about it; but he does not intimate that the free States, the millions of people who live under Constitutions unlike those which have been forced upon Kansas, can feel any interest in a question whether that great Territory is to be opened to them and their descendants, freed from a competition with that kind of labor which, in my jndgment, has cursed so large-yes, the largest portion of the area of the States of this Union. Sir, these remarks, this tone, this want of sympathy, this exultation, this entire forgetfulness of the great and much the largest portion of the people of this country, in the President's message, are to me mysterious, coming from a man born and educated, as the President has been, under institutions like those with which he is so famil-

Again, the President very clearly intimates that difficulties must arise, in case we refuse to admit Kansas as a State under the Lecompton Constitution. He warns us, in covert but very clear terms, that the people of the slave States will be excited on the subject; that they will not be willing to submit to it; and that, therefore, with a view to check all the agitation which may arise from the rejection of the Constitution which has thus been submitted, he counsels that, for peace sake, we should adopt it. Sir, I should have expected from the Chief Magistrate of this Union, sworn to support the Constitution and execute the laws, that at the time when he stated the danger that there might be excitement, he would have intimated an opinion, a wish, that such excitement should not arise; that he would have warned the people of the slave as well as of the free States, against disobeying the laws of the country. What is the proper tribunal, I should like to know, to settle this question? Is it not Congress? If Congress chooses to settle the question adversely to the views of the President, and say that Kansas shall not be admitted under the Lecompton Constitution, I beg to know why he should not connsel the people of the slave States to submit to the majority, who have the constitutional right to decide, and have decided? Why does he warn us that we must pay regard to these threats of overturning the Con-

language-but it is of little importance compar- stitution, of dissolving the Union, and avoid agiatively to the few thousands in Kansas; as if the tation, because we have been threatened, and not give one word of warning to the people from whom he anticipates it-not tell them that they will be compelled to bow to the will of the majority, that they will be compelled to obey the laws of the land? Why, sir, it is the strangest thing to me, that a Chief Magistrate of the country, holding this position, should not say, as one of his great predecessors said before him, that the Constitution should be preserved; that the Union should be preserved; that when the action of Congress was legal, no matter upon what subject, the power of the Federal Government should be brought to bear on any people, or any portion of people, whatever, who undertook to make any agitation which endangered the safety of the Union of these States; but we hear nothing of that from the present President.

Strange to say, too, he is all the time talking of law; he tells us that the people must obey the laws; that the course of things in Kansas has been legal on the one side and illegal on the other; and he is very ready to read lectures to that people and to us on the subject of obeying the law, while he conveys no intimation to anybody, that if the laws are broken, or attempted to be broken, in one region of country, there will be any interference from him, or even any words

of reprohation from him.

Now, sir, as to the facts stated; let us look a little at what the President has stated in his message. He has made all the intimations of which I have spoken; but what has he gone on to say? He charges, substantially, that the majority (for he admits it to be a majority by saying more than once in his message that the people of Kansas, unless he had prevented them by military force, would have overturned the Government; thus admitting that they had the power as well as the will to subvert the Territorial Government there established) had a design, and have had from the beginning, to subvert the Government by force. Is there any proof of this? What proof does he adduce? The desire to establish the Topeka Constitution, as it has been called; and on the strength of that fact he even charges Governor Robinson with having, in the very first sentence of the message which he communicated to the Topeka Legislature, expressed the same design; when, if you come to look at it, (I will not trouble the Senate with reading it,) there is not a single word, not a single idea, not a single intimation, in that clause of Governor Robinson's message which has been referred to by the President, intimating any design or wish of the kind. I deny, here, the whole foundation of the President's charge and argument on that point. There never has been a design to estab-lish the Topeka Constitution by force. No such design has ever been avowed, and no such design has ever been attempted to be carried into execution.

I know very well that the honorable Senator from Illinois, [Mr. Douglas,] in the speech which he made at the beginning of this session, stated that, if he had not believed it was the intention of the people of Kansas to carry that Constitution into effect by force, and establish a State | lieve a word of it, nor do gentlemen here. When Government under it by force, he would not have been disposed to interfere, for they had undoubtedly as good a right to petition, in that form, as another portion of the people had to petition in another form; but I should be glad to have gentlemen point me to the proof, in any part of the proceedings in the Territory of Kansas, showing that that people ever designed or expressed the intention to establish that Constitution and a State Government under it by force. The very first step they took disproves it. They sent it here to Congress, and petitioned to be admitted under it as a State. They chose a Legislature; and that Legislature met, but passed no laws; it adjourned. It avowed, then, that its design was not a forcible one-not to establish a State Government by force: but to establish it by the weight of opinion in the Territory, under an application to Congress to be admitted under it; and yet this has been alluded to over and over again, more than once on this floor, and by the President himself and by other officials, as establishing the fact, that there was rebellion existing in Kansas. Sir, the adoption of that Topeka Constitution, and the choice of State officers under it, and all they ever did, no more go to make out rebellion against the constituted Government, than would a town meeting called to pass resolutions on the same subject.

What is rebellion? It is a desire and an attempt to overturn a Government by force. Rebellion does not consist in words; you must have forcible acts. It is not enough to express abhorrence of a Government: it is not enough to express detestation of the officers who carry on the operations of Government; it is not enough to call town meetings; it is not enough to frame a Constitution and submit it to the people for adoption; it is not enough even to pass laws under it, so long as there is no design to put them forcibly in execution. The people of Kansas have done no more than this. On that ground, Senators on this floor, and others, elsewhere, have repeatedly charged, and the President echoes the cry, that here is rebellion existing in Kansas; and the people are denounced as rebels against the constituted authorities. Leaving out of the case the fact that the Territorial Government was a usurping Government in the beginning, (as it was,) and granting it to be a legal one, still I aver that there has been nothing done in reference to the Topeka Constitution, from the beginning to the end, on which any man who values his opinion as a constitutional lawyer could predicate the idea of rebellion. I said so the other day, and I say it again; and the charge is not proved by long, labored, quotations from letters of Governor Walker. Governor Walker seems to be very good authority with the President on one point, and no authority whatever with him on other points. When Governor Walker telis him that a great majority of the people of Kansas are opposed to this Constitution, he does not believe him, for he does not refer to the fact. When Governor Walker tells him there was fraud in the arrangement made in reference to the State officers, that should be corrected, he does not be-

Governor Walker tells him of the great frauds that were committed at various precincts which have been spoken of by the Senator from Massachusetts [Mr. Wilson] and others, he does not believe a word of it. But he does refer to Governor Walker's letters, and makes many extracts from them, to establish the fact of rebellion; but they produce no such convictions-they prove nothing of the kind. Take them from the beginning to the end, and they make out no forcible resistance. They are nothing but statements; there is no fact on which to predicate them. The country might understand, from the statements thus made in detail, that the President really helieved there was a dangerous rebellion in Kansas, and that unless he interfered with the troops of the United States, the Government would be overturned!

It has been remarked by my honorable friend from Massachusetts, [Mr. Wilson,] that it will be observed that these letters of Governor Walker were written immediately after his arrival in the Territory. Who was Governor Walker? A friend of the Administration, a leading Democrat, a Southern man, with all his prejndices excited against the Free State people of Kansas, all his feelings and wishes in favor of adding to the strength of the slave States, by making Kansas also a slave State. He went there with these impressions; he carried them with him; he hegan his administration with them; he carried them, I am happy to say, not to the end. On arriving there, whom does he meet? His associates are the very persons who have been practicing these iniquities in Kansas. His suspicions are awakened, his mind is excited, and he looks upon all these demonstrations as actually constituting a rebellious disposition on the part of the people of Kansas!

What are the proofs that he gives? They amount to nothing. As I remarked on a former occasion, one is that the people of Lawrence nndertook to form a city government for municipal purposes. They had a right to do so; they did so; and they put that government in operation, not to be enforced on those who were unwilling, but to be enforced with the consent of those who agreed that it should be done, under the very strong necessities of the case. He looked upon it as rebellion; he denounced it as rebellion; and they denounced him in their turn. He did not undertake to prevent them, and did not prevent them.

Again, another reason was the formation of a military organization. For what avowed purposes? For the purpose of protecting the pollsa legal purpose, a constitutional purpose-a right which arose from the constitutional right of the people to bear arms for their own protection, which cannot be taken away from them. Governor Walker said he believed that such was not the design! Has there been any evidence that it was not the design? It was the design avowed. the only one; and yet this is all the proof we have, coming from these statements, to establish the charge made by the President of the United States, that there was rebellion in Kansas which called for the use of the military power.

Sir, there are some things which the President | oath has been prescribed by way of test to supforgot to state-he forgot to state that the Government of Kansas was a usurping Government. Did he not know that fact? The honorable Senator from Illinois, in his speech, which we all remember, excused the President, or attempted to excuse him, for not knowing and understanding what was the absolute meaning and intent of the organic act of Kansas, or a certain portion of it, on the ground that he was absent from the country at the time of its passage. He was absent from the country at the time some of the events happened, of which I am speaking. Does any gentleman here undertake to deny that the first Legislature was forced on the people of Kansas by a foreign invasion? The proof is in the record-it is in the record taken by the House of Representatives. Was not the President familiar with that? Ought he not, as a statesman, to have been familiar with that? Can he give any excuse for not knowing it? Is it enough for the President of the United States to come into office, and say he does not know some of the leading facts which have taken place within a very short period before his election and inaugnration? No, sir, it is no excuse; and the President of the United States ought not to, and shall not, avail himself of it before the people of the country. He does not appear to know the other facts which I have stated, with reference to the disclaimer of the people who framed the Topeka Constitution, from the beginning, of any intention to subvert by force the established Government of that Terri-

His next allegation is a very singular one, and it calls for more particular notice. He avers that the sense of the people was taken on the question whether they would have a Convention or not; and he holds them accountable, therefore, for not voting on that question. Mark you, he is now communicating information to Congress. This is one of the items which he communicates, that the sense of the people of Kansas was taken on the question of a Convention! What opportunity did they have to express that sense? Could they express their sense on a Convention under the force of the test oath that was applied to them? 'Is it not matter of notoriety, is it not upon the book, is it not matter of record, that, coupled with the right to vote on the question of calling a Convention, was prescribed an oath to be taken by every person who should offer himself as a voter on that occasion? What was that oath? It was stated by the Senator from Missouri the other day. It was an oath to support the Constitution of the United States; to support the organic act of the Territory; and, beyond that, to support the fugitive slave law. Now, sir, who in any country-I will not say in any free country, but who in any country—ever before heard of a test oath as a prerequisite to the right to vote? I have heard of an oath administered at the polls to show a person's qualification-that he comes under the description of persons who are allowed to votebut I believe this is the first time in the history of any country where the people are allowed to exercise the right of suffrage at all, in which an Governor Walker and Secretary Stanton; we

port certain measures of Government and certain laws, as a prerequisite to the right of suffrage.

Is it not well known-does not the whole country understand-that throughout the free States there is the greatest abhorrence of the fugitive slave law; that in many of those States that act has been held to be unconstitutional; that a large portion of the people not only consider it unconstitutional, but a much larger portion consider it oppressive and unjust, and derogatory to their rights? Is not that well understood? And yet, when people from the free States with these feelings and impressions present themselves in Kansas, and show that they are qualified under the organic act of Kansas and the laws of the Territory to exercise the right of suffrage as persons, they find that the so-called Legislature which ordered the calling of a Convention have prescribed that no man shall vote, if challenged, unless he takes an oath to support that very law, which they knew perfectly well could not be taken without a violation of the conscience and honor of those who presented themselves.

Is this taking the sense of the people of Kan-Is this the mode in which the President would allow the people of Kansas to express fairly their views on the point, whether a Convention should be called or not? This was the only mode presented to the people of Kansas, and this is held out by the President to the people of the country as sufficient to entitle them fairly to express their opinions on the subject thus submitted to them. That is information communicated to the country!

I pray Senators who hear me, as they are already familiar with it, and those who are hereafter to consider it, to remember the fact, that the President further states, for our information, that the act passed for the election of delegates was fair in its provisions. Why does he not take the testimony of Governor Walker and Mr. Stanton on that subject? What fairness was there in it? lt provided for a census and apportion-As has been stated, in that census and apportionment, one-half the people of the Territory were excluded.

Mr. COLLAMER. That objection applies not to the law, but to the execution of the law.

Mr. FESSENDEN. I know that. He states, however, that they had a fair opportunity to act. I am speaking of the result, and inquiring whether there was any such fair opportunity as to entitle him to consider the people of Kansas bound by the result which followed? I may have expressed myself incorrectly, and I am obliged to my friend for suggesting that this evil was not in the law. The law may have been fair on the outside. That is the argument; that all these laws have been fair, and a fair opportunity has been presented!
My question is with reference to the opportunity; what kind of opportunity was presented to the people of Kansas to settle that question? Although a census and apportionment were provided for, it is perfectly notorious-and we have testimony by which the President is bound, because it is the testimony of his own officials, of have their testimony to the fact-that one-half | the Senate. I hope they are equally familiar to the Territory of Kansas was entirely neglected and unprovided for. I will not say one-half the people, because, perhaps, the counties thus omitted might not have been so populous as the rest; but the President undertakes to say, sneeringly, that it is no objection that a few scattered people in the remote counties did not vote. Sir, it has been shown that a very large and important portion of the Territory was not included in the census; and we know, moreover, as a fact which cannot be contradicted, and has not been, that even in the counties where the census was taken, a large number of the people were omitted; they were not registered; there was comparatively a very small number registered; in fact, not onehalf the people of the Territory. That matter was so conducted as not to present to the majority of the people of the Territory an opportunity of being heard on the election of delegates; and yet the President undertakes to say to the Senate, and to the House of Representatives, and to the world, in this manifesto which he has put forth, that here was a fair opportunity presented for the people of that Territory to select delegates of their own peculiar shades of opinion to carry out their own will and desire! It is a very curious kind of information he communicates. I stated that, in many respects, he had forgotten facts notorious, and in other things he had stated as facts things notoriously untrue; and I think I am borne out by the record in the assertions I have thus made. Why should he speak of the comparatively few voters omitted? Did he know how many there were? Has there been any census taken of those voters in the Territory? Not at all. Whence does he derive his information? It is a statement without book; an assertion without authority; an allegation without proof. What right has he to come before the country, and thus make an assertion which is not upheld by any evidence from any quarter?

He makes another allegation, which is well worthy the serious notice of the country. It is in a very few words, and I will read it:

"The question of Slavery was submitted to an election of the people of Kansas, on the 21st of December last, in or me proper of Kaneas, on the 21st of December (ast, in obedience to the mandate of the Constitution. Here, sgain, a fair opportunity was presented to the adherents of the Topeka Constitution if they were the majority, to decide this exciting question in their own way, and thus restore peace to the distracted Territory; but they again refused to exercise their right of popular sovereignty, and again suffered the election to pass by default."

Fair opportunity to decide the question of Slavery! Why, sir, the President makes this allegation on the whole facts before him-with the Constitutions before him, which were submitted to the people. Calmly and deliberately, in an argument presented to the people of this country, he comes before them and says, in his official character, as communicating information relative to the state of the Union, that the question of Slavery was fairly submitted to the people of Kansas on the 21st of December. Did not the President know that it was but a choice between two slave Constitutions-two Constitutions, both of which recognised and established Slavery in that

the country. One of these Constitutions authorized Slavery in the ordinary form, providing that slaves might be brought into the Territory and held there, but it allowed the people to change that Constitution and that provision; the other prohibited the introduction of slaves into the Territory, but it provided for the perpetuity of the Slavery that already existed there. Those there were to remain slaves, and their children were to remain slaves to the romotest ages, and the people were prohibited from changing that provision at all.

Is it not the height of assumption-I will not use a stronger word with reference to the President of the United States-to put upon paper, and send here, and before the country, the broad assertion that the question of Slavery was submitted to the people of Kansas? Sir, that question never has been submitted to the people of Kansas. Nothing has been submitted to that people but a choice between two slave Constitutions, and, for my life, I am unable to tell which was the worst of the two. Will any gentleman undertake to demonstrate to me the contrary? Is there any possibility of disputing the assertion. and did he not know it? Had he not read those Constitutions? Had not his attention been called to them? Does he never read a newspaper? Is he not aware of what is transpiring before the country every day, and is admitted as a fact before and by the people of the country? It is a matter of astonishment to me, that a man occupying that eminent position, speaking to the country in a State paper, speaking in the face of papers which are to go upon the record, and by which his truth, or his neglect of it, may be adjudged, could hazard his fame on an assertion so utterly destitute of foundation, so entirely opposed to fact, as this assertion.

He follows it up by the remark that they had a fair opportunity to settle the question of Sla-They could only vote, not to reject both verv these Constitutions, or one or the other, but they could vote to choose between the two, provided they would previously take an oath that they would support the Constitution which might have the majority of the votes. A man opposed to Slavery, believing it to be wrong, believing it to be unwise, believing it to be a curse to the people among whom it exists, is presented with two Constitutions, and told that he may vote for one of them, provided he will take an oath to support that which he believes in his secret soul to be wicked, and at any rate he believes to be disastrous to the community in which it is established; and this is submitted on the word of the President, on these facts, as a presentation fairly of the question of Slavery to them, not only with reference to the question presented, but to the mode in which they were to act upon and determine it. I think it requires a wonderful degree of courage in any man, especially a man holding the position which the President of the United States holds, to make an assertion thus unfounded in fact.

But, sir, he offers us some remedies; he offers Territory? The facts are familiar to all of us in the people of Kansas remedies. He tells us that,

to say, that the Constitution may be changed. Does he not know, do we not know, is there a man among us who does not understand, that when that Constitution is once fastened on the people of Kansas, it is next to impossible to get rid of it for a series of years, although a majority may exist against it, except by violence? What have we witnesset We have seen the votes of two thousand five undred people-for Secretary Stanton says that is about the number-or, at most, three thousand people-in favor of Slavery, outweigh and override the votes of ten thousand, or twelve thousand, or fifteen thousand people; I do not know how many, but four, or five, or six times as many. We have seen this result over and over again, produced by the act of their officials. How easy is it for unscrupulous men to control the polls, having the authority which has been exercised by those men there heretofore, and is exercised now! If Mr. John Calhoun and his associates can get majorities as he has obtained them recently, how easy will it be for them, when in possession of all the forms of law of which the honorable Senater from Georgia [Mr. Toomes] has spoken, and in possession of the Government, to control it still!

Let us look at the operation of it for a moment. A Legislature is to be elected. The judges of the election have control of the polls; the individuals desirous of producing a certain result have control of the election; they record the votes; they return the votes; they make any number of them, as they have made any number of them. What chance is there, then, to obtain a Legislature which will submit the question of a change of the Constitution to the people? And if it is submitted to the people, with the same men having control of the polls who had it before, or men actuated by the same principles, what opportunity presents itself for a fair vote of the people on it? The only remedy is revolution; and the President knew it when he suggested the idea of changing the Constitution as a remedy. The only remedy is the last resort to arms and physical force; and what chance would the people of Kansas have then? The Governor or the Legislature calls upon the Chief Magistrate of the nation, and states to him that there is domestic insurrection in Kansas. The troops of the United States, of which my friend from New York is so ready to vote an increase, are under the control of the President, and at his command are marched to Kansas for the purpose of suppressing that insurrection. What is the result? What opportunity, I ask again, would the people of Kansas have under those circumstances to rid themselves, by a change of their Constitution, of that which had been thus forced upon them? None.

But the President makes another very singular suggestion, one which shows his great regard for law, and his great knowledge of the principles of law. He suggests, as a remedy to the people of Kansas, that after they have come into the Union as a State, they will then have the

after all, if they do not like the Constitution, power to punish those who have committed these there is no difficulty in getting rid of it; that is frauds. It is very much like shutting the stable to say, that the Constitution may be changed. Goor after the steed is stolen, if you can do it; but this is the first time I have ever heard it suggested by the Chief Magistrate of the nation, that an ex post facto law could be passed, and persons punished for committing frauds for which there was no punishment at the time they were committed. What, sir, here are frauds committed in the Territory of Kansas, and the President tells us that it is very easy to get along with them, because, after you are admitted as a State, you may punish the persons who have commit-ted these frauds! I should like to know of my honorable friend from Louisiana, [Mr. BENJA-MIN,] with all his acuteness and knowledge of legal and constitutional principles, in what mode he would set about to do it? If you could do it, it would afford but a very poor satisfaction, after the whole evil for which the frauds were committed had been consummated

The whole argument of the President is founded on the idea that all the proceedings in Kansas have been legal on the one side and illegal on the other. I propose to examine that position. If you read the message of the President carefully, you will see that that is the outline of the whole. It was the argument of the honorable Senator from Georgia, [Mr. Toomes,] the other day, that here was legality on the one side and illegality on the other; and that, having these two to choose between, of course he must sustain that which was legal. How does the President undertake to establish it? In the first place, he asserts that the organic law establishing Territory was in itself an enabling act. I suppose that I might as well leave this point to the examination of the honorable Senator from Illinois, [Mr. Douglas.] He will deal with it, I have no doubt, when the time comes; but I think he must have been as much surprised as I was, when he found the President asserting, in plain and unmistakable language, that there was no need of an enabling act from Congress, because the Kansas organic law itself provided one. The idea is new. I never heard it suggested until it was hinted at by the honorable Senator from Missouri on a previous occasion, and he did not seem to make much of it; but the President has taken it up. I should like to know of any Senator here, whether the idea, as thus presented, is not one that comes upon him by surprise, on the authority from which it ema-

nates on this occasion. Now, I wish to read this clause of the message for another purpose, because there is something remarkable about it:

"That this law recognised the right of the people of the Territory, without any enabling act from Congress, to form a State Constitution, is too clear for argument, For form a State Constitution, is too clear for argument. For Congress, to leave the people of the Territory per celly free, in framing their Constitution, its form and requisite their domestic institutions in their own way, subject only to the Constitution of the United States in the to say that they should not be permitted to proceed and frame a Constitution in their own way, without an express authority from Congress, appears to be almost a contradiction in

Be it remarked that, in order to establish this position, the President is obliged to interpolate words into that clause of the organic act, which are no found in it originally. Those words are: "In framing their Constitution." There are no such words in the act. Undoubtedly, if that clause had provided that the people might, in framing their Constitution, have arranged their institutions to suit themselves, the idea might be supported; but the words are not in the criginal provision. He assumes that they are. He makes the interpolation, and then draws his own inference from that interpolation thus introduced into the organic act.

Mr. BROWN. If the Senator from Maine will allow me, I will, in that connection, show that the author of the Kansas bill puts precisely the same interpretation on it which the President does. In the report made to Congress on the 12th of March, 1856, by the Senator from Illinois, I find this language:

"Is not the organization of a Territory eminently necessary and proper, us a means of enabling the people thereof to form and mould their local and domestic institutions, and establish a State Government under the authority of the Constitution, proparatory to its admission into the Union?"

I read from page 4 of the report, in which it is stated to be eminently proper and necessary for two purposes: first, to enable them to regulate and mould their institutions to suit themselves; and, second, to form a Constitution, preparatory to their admission into the Union. If the author of the bill put that interpretation on it in a report made to Congress, I see no great harm in the President putting the same construction on it. I think it was the true interpretation.

Mr. FESSENDEN. It makes no difference to me what construction the Senator from Illinois put on that act at any time. I do not, however, agree with the Senator from Mississippi, that the language he has read carries any such idea with it; but I shall leave it to the Senator from Illinois, if he chooses, to settle that question with the Senator from Mississippi, and with the President. What I have to do is to comment on what the President says. I say that it is a new idea, never before suggested in my hearing, (and I believe I have heard this controversy from the beginning.) that the organic law was to be construed as an enabling act, until it comes authoritatively, for the first time, from the President of the United States.

I do not blame him in one sense; it was necessary to his argument; without it, that argument fails; but, in another sense, I do blame him for it, and that is this: in undertaking to quote the language of a clause in a law of Congress, I think he should not interpolate words into it which are not there, and hold out the idea that those words actually exist, or are clearly and distinctly implied, when there is nothing in the act itself to authorize anything of that description. Let me read this clause. It has been read some thousands of times before, but perhaps it cannot be read too often—I mean the clause following:

"It being the true intent and meaning of this act, not to legislate Slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof"—

Here the President inserts "in framing their

words into that clause of the organic act, which | Constitution," but "in framing their Constituare not found in it originally. Those words are: tion" is not there—

-"perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

It is very plain that it was not intended that this should be an enabling act; because, if it had been so intended, it would have been so specifically stated. The words "in framing their Constitution" would have been inserted. any rate, some particular portion of that act would have been found, in which the authority was specifically given to the people of Kansas to frame a Constitution under it, and under that Constitution to ask admission into the Union: but nothing of that kind is found. Is it possible, can anybody believe, that the Congress of the United States, in framing a law to organize a Territory, and intending by that law to confer on the people of the Territory the power to frame a Constitution, and under that Constitution to come into the Union, would have left it to be inferred from language which, in fact, conveys no such idea? The idea is preposterous. Again, we all know that nothing of the kind was ever suggested in any debate that took place on that, Nobody supposed that under that occasion. organic act there was authority conferred no frame a State Constitution, preparatory to admission into the Union. There is nothing in the terms of the provision which I have read, nothing in the terms of the act anywhere, which could lead to the conclusion that any such authority was either given or intended to be given in any manner whatever.

I should like to ask any man, and the President of the United States particularly, who contends that this is an enabling act, of what benefit in that clause are the words, "subject only to the Censtitution of the United States," if the clause was intended to say, and only to say, to the people of the Territory of Kansas, "you are at liberty, when you frame a Constitution, preparatory for admission into the Union, if you choose, to frame your domestic institutions in your own way?" Of what benefit, let me ask, is it, to add at the end of the sentence, "provided you do not in any manner contravene the provisions of the Constitution of the United States?" Must not the State Constitution, when framed, come before us? Must it. not be presented to us for our action, and if there is a provision in it contrary to the Constitution of the United States, have we not power to reject it? The very fact that the words "subject only to the Constitution of the United States" are left in the act, goes to prove most conclusively, beyond all dispute, that the object was not to confer on the people of Kansas that authority when they were forming their Constitution, but to confer on them that authority to be exercised while they were a Territory, and with reference to their Territorial institutions alone. The people of a Territory may very well be thus limited while they remain a Territory. While they are acting under their organic law, framing institutions to regulate themselves at that time, confining themselves to that, it may be very good sense to say, that while you are thus a Terricontrary to the Constitution of the United States; but if it was conferring on them the authority to form a Constitution, of what use is it to sayare not the words thrown away, as perfectly inoperative-" subject to the Constitution of the United States?" that is, you may make a Constitution, but it must be such a Constitution as does not contravene the Constitution of the United States. That very clause shows that it was not intended as an enabling act.

It was not considered to be an enabling act. I should like to ask the honorable Senator from Georgia, if he considered it an enabling act, why he so soon afterwards introduced a bill into this body, which was passed by the Senate, to enable the people of Kansas to form a State Constitu-tion? Was that construction put on it at the celebrated meeting at the house of the Senator from Illinois, when that enabling act was agreed upon, to be reported to Congress, and to be carried through Congress, if possible? Was it supposed that the organic act itself contained an enabling act, rendering that unnecessary, and that under it the people of the Territory of Kansas might go forward and form a State Constitution, preparatory to being admitted into the Union? It was not the construction placed on it by the Democratic party, by the friends of the bill; and the honorable Senator from Georgia thinks the friends of the bill are those who alone are competent to understand and construe it, and that nobody else can understand it properly. I point his attention, therefore, to his own construction, and I ask him if he considered that clause of the organic act on which I have been commenting, and on which the President commented, and into which he interpolated the words of which l have spoken, as an enabling act, authorizing the people of Kansas to frame a State Constitution?

Mr. TOOMBS. I will answer the question with pleasure. I did not then, do not now, and never have so considered it. Nor do I consider an ena-bling act necessary. I think it oftentimes a convenient mode. I act with or without it, accord-

ing to the circumstances of the case.

Mr. FESSENDEN. I am very happy to get that admission from the Senator from Georgia. It is made with his customary frankness and clearness. Having admitted it, I propose to ask him another question. If it was not an enabling act, where does he get the legality of all these proceedings of the Legislature of Kansas? If they had no authority conferred on them by Congress to call a Convention for the purpose of framing a Constitution, preparatory to the admission of that Territory into the Union as a State, where does the legality of their action come

Mr. TOOMBS. The Territorial Legislature. Mr. FESSENDEN. What authority had they?

They had no such authority conferred on them. They might call a convention to petition; they could not make it binding. Unless Congress confers the authority on a particular Legislature to do that very act, what authority has that Legislature more than another? What can they do but petition? What can they do but recom- organic law, as the action of the Legislature.

tory, you shall frame no institutions that are | mend? The authority is not given them; they must derive it from somebody. True, they have power to legislate; but this is not a proper subject of legislation, unless the authority is conferred on them to make it binding. My answer to the whole of the President's argument on that point, and to the argument of the Senator from Georgia on that point, is, that if this is not an enabling act, (which the Senator from Georgia admits it is not,) then there is no more legality in the act of the Legislature of Kansas, in calling a Convention, than there is in the act of the people of Kansas calling the Topeka Convention. They can do it in the one form or the other, provided they do it peaceably; and yet on that the whole argument is predicated. The President, or the person who drew this message, whoever he may have been, saw the difficulty. It was a part of his object to show and to convince the country that here was legality on one side and illegality on the other; and therefore he inter-polutes the words of which I have spoken into this provision of the organic law, and says, after that interpolation, that the organic law is itself an enabling act. If correct in that, he is correct in his conclusion. The Senator from Georgia says he is not correct. I agree with the Senator from Georgia, and therefore, as I think, the conclusion does not follow. There is no legality in it; that is to say, there is no binding legality.

What right had the Legislature to act conclusively on that subject-to say, "We appoint a place of meeting at such a time; the people of Kansas may come and vote at such a time; and we prescribe a test oath to those who may choose to vote on the question of calling a Convention?" Who gave them authority to make that test oath, and apply it to the people of Kansas? did they get it? It is precisely as much rebellion as was the formation of the Topeka Constitution, against the constituted Government, although done by the Legislature. This Legislature-having no such authority conferred on them, not having the right to call a Convention given them by the original organic law-undertake to say that at such a day, and such an hour of the day, the people of Kansas shall vote on the question of whether a Convention shall be called to make a Constitution, and only such persons as take a particular kind of oath shall be allowed to vote. Where did they get the authority to make any snch rule? From the organic law? No, says the Senator from Georgia; no, say I; and no, must every man say who is not at liberty to do as the President has-and that is, to interpolate into that clanse the words, "in framing their Constitution," and thus to make ont the argument. The whole foundation of his argument fails; and therefore his allegation, that here has been legality on one side and illegality on the other, fails. I aver that the Topeka Constitution is as legal as that—as legal in its form, as legal in its inception, as legal in all the steps that have been taken with regard to it, in every particular; as much within the purview of the power of the people under that clause in the stated; and I deny, too, the assertion of the honorable Senator from Georgia, that it has ever been admitted or recognised by Congress. I say it has never been recognised in any shape or form. The Senator appealed to the fact that at the last session of Congress, in the general appropriation bill, we made a provision for the payment of the Legislature of Kansas. Congress, at the previous session, refused to make that appropriation. When we made it at the last session of Congress, it applied only to a future Legislature. It applied to the one now in existence. It could not go into operation until the beginning of the fiscal year, last July, going forward to next July. The first Legislature had become defunct; it had ceased to perform its functions; a new one was to be elected, and, that fact being known, Congress made provision for its payment-not for the last one; that has not been made to this day; and under a law of Congress, which the chairman of the Committee on Finance well understands, the President cannot apply money thus appropriated for the service of the current year, from last July until the next July, to the payment of a preceding debt for a Legislature whose term of office had expired.

But admitting the legality of the Legislature, usurping though it was, and admitting also that it had been recognised by Congress, nothing follows, except that its action was advisory. So was the action of the Topeka Legislature. The peothe action of the Topeka Legislature. ple were not bound by one more than the other; one was not more rebellious than the other; one had as much force as the other, because the substratum, the authority from Congress to the Legislature to call a Convention, and prescribe rules for

that Convention, was wanting.

If I am right in this position, the only question that remains is, does it fairly represent the peo-ple of Kansas? Does the vote, taken under these circumstances at that particular period of time, represent the will of the people of Kansas, fairly expressed? I have commented on that. It is a question of fact, and it is a question of fact for us to settle; and we are not precluded by the assertion that here is legality on one side and illegality on the other. Have the people of Kansas, by any act of theirs, under any circumstances, at any time, manifested clearly to the Congress of the United States their desire that the Lecompton Constitution should be accepted, and that they should come into the Union as a State under it? That is the question submitted to us as the tribunal to decide it. What have we against it? What have we to reply? To what facts can we appeal, as an answer to any allegation that it was so? We have in the first place the admitted unfairness and dishonesty of the whole proceedings from the beginning. I have adverted to them, and they are matter of history. If it was supposed that they would fairly represent the will of the people of Kansas, (and it was designed they should,) why not submit the whole Constitution fairly to them? Why present to them two slave Constitutions, and bid them take their choice with an oath to support one or the other, both But this statement, which was argued at such

I deny the legality of the first Legislature, as I | being abhorrent to a large portion of the people ated; and I deny, too, the assertion of the honform? If it was the will of the people, if they had any idea that a majority of the people of Kansas would sustain it, why not submit the question fairly to the people of Kansas, without any of those restrictions? It is not a sufficient answer to satisfy my mind, to say that all legal forms have been complied with. Why was it not done?

Another answer is made in the thunder tones of the last vote of the people of Kansas, when, the question being submitted to them by the Legislature now existing in that Territory, they threw a majority of over ten thousand votes against that Constitution! Is that no answer? Shall we not

receive it as proof?

The honorable Senator from Georgia, on this particular matter, said, in answer to the inquiry which I now make, why the present Legislature might not repeal the Convention law, or might not order a new vote to be taken on the Constitution, to ascertain what is the will of the people of Kansas, that its power was exhausted. What power was exhausted? Where do they get any power on the subject? He admits that they had no power from the Congress of the United States. There was no enabling act; no power to frame a Constitution had been conferred on them, from any quarter whatever; and yet he says the power was exhausted. The power that they assumed was exhausted; but, if it is in the power of a legal Legislature of Kansas to call a Convention. and have the action of the people on a portion of the Constitution, is it not in the power of another Legislature of the same Territory of Kansas to call a meeting of the people, in due form, to pass upon another question connected with the same subject, and the whole subject? If he had shown us where the power was derived from, if he had shown that the Congress of the United States had ever conferred any power on the Legislature of Kansas to act on that question, it would be one thing; but denying that, and admitting that no such authority was conferred, he yet says, in answer to a question put by the honorable Senator from Wisconsin, [Mr. DooLittle. I the power was exhausted. I should like to have him, or some other Senator, show me, and show the country, whence was the derivation of this power; and to answer the question decisively, if they had none conferred on them, how they could exhaust that which they never possessed? and why the existing Legislature has not the same right and authority to put the question to the people of Kansas, that the previous Legislature had?

The President and the honorable Senator from Georgia agree on one point, and that is, as to who are the people; and I agree with them. The people, in the language of this law, and as we understand it with reference to suffrage, are those people who are legally qualified to vote. Such questions, I also agree with them, are not to be settled in mass meeting and without form, but are to be settled in due form by those who have between those two? Why accompany those two the authority to exercise the right of suffrage. length, and which nobody would ever think of denying, avoids the true question at issue. The question at issue is, whether a fair opportunity has been accorded to this very people to exercise the right of suffrage on this question; and that the President and the Senator from Georgia, who undertakes to defend the message, have not discussed at so much length. They assume it, they take it for granted; we deny it. What is the argument to sustain it? Simply that, in ascertaining the will of the people, in the form prescribed, at the time prescribed, with reference to the Lecompton Constitution, all the forms of law prescribed by the Legislature have been complied with. I dislike, exceedingly, to hear, as the sole answer to such allegations, that the thing was formally done.

The honorable Senator from Georgia is an eminent lawyer, and he knows that to be no answer in courts of law. It is no answer to an allegation of fraud, to say that the forms have been complied with; and, as a matter of history, we know that there is no more dangerous mode of attacking the liberties of a people, than under the forms of law. It has been well remarked that, for hundreds of years, Rome was a tyranny, exercising at the same time the forms of republican institutions. Tyrants always keep up the forms as long as they are able, when defrauding the people of their rights, because in that manner they are able to prevent, perhaps, that outbreak which would follow a resort to absolute physical force. Charles the First lost his head for tyrannizing under the forms of law; James, his son, lost his throne for the same reason; and our ancestors wrested this country from Great Britain for attempting to tyrannize over them under the forms of law. Yet this is the only answer that is made—"here is a legal form." The Legislature thus forced on the people of Kansas assumed to appoint a time for a Convention to provide a mode of voting; and that Convention assumed to make a Constitution. They assumed to put it to the people; they prescribed their own forms, and followed out their own manner of doing it; and now, when we come forward and say, that from the beginning to the end they designed to defraud and did defraud the people of Kansas, the answer is, "We cannot go into that subject, for it was all done under legal form." My reply is a very simple one: that fraud vitiates everything.

What were these forms? Let us enumerate them in distinct order, so that they may be understood by the people. A Legislature was forced on the people of Kansas, in due form, by a Missouri invasion. Does the honorable Senator from Missouri (1 do not see him in his seat) want proof of that? The proof is found in the records of the committee of the House of Representatives that investigated the subject. Nobody has undertaken to deay it. The Legislature acted without legal right, as I have demonstrated, but in due form, in appointing a Convention, but they prescribed a test onth, which rendered it unavailing. My honorable friend from Vermont, who sits beside me, [Mr. Collamer,] informs me that I am mistaken on that point, and he says?

length, and which nobody would ever think of the test oath has been repealed. A portion of it denying, avoids the true question at issue. The might have been repealed, but the whole of it the tarm is whether a fair concentuity, was not.

Mr. COLLAMER. That portion requiring an oath to support the fugitive slave law had been repealed.

Mr. FESSENDEN. That was part of the test oath. That may have rendered it more odious; but still the objection lies to the principle, that no Government in the world, such as ours, acting under a republican form, has a right to establish any test oath at all, with reference to the exercise of the right of suffrage, or go any further than adopt such measures as are necessary to show that a man is qualified to vote. That was the next step.

A census was taken, in due form, not including one-half of the people of the Territory. Next, the members of the Convention forfeited their pledges. What were those pledges? If we may trust to what has been cited here, and not contradicted, a large proportion of the members of the Convention pledged themselves to submit the whole Constitution to the people. These pledges were broken; and I heard a very singular excuse given for this the other day, by the honorable Senator from Mississippi. [Mr. Baowa,] who said that their constituents had released them from their pledges-that they had been released by the people to whom they had given them. I should like to know how or in what form that release was given. They held themselves out to the people, on paper, pledging their honor that, if elected delegates to the Convention, they would submit the Constitution to the people. They refused to do so-they forfeited their word after they were elected. Having been elected, they refused to perform their promise. It is charged on them, and the excuse is, that those to whom they made the promise released them from the obligation of keeping it. I should like to ask the honorable Senator from Virginia, [Mr. Mason,] with his high sense of honor, (and I believe it is higher with no man,) whether he could be excused from an obligation thus given in writing, by any individuals who might come to him, and say, "We do not hold you to it; party purposes require a little different disposition." Honorable men never would make such an excuse for breaking their word of honor thus given. long as there was a single voter who threw his vote for me, or might have thrown his vote for me, on my written word or my spoken word that I would act in a particular manner, I should deem myself base if I could retain the office thus bestowed on me, and at the same time refuse to redeem the pledge that I had made.

The next step that was taken under the forms of law was to present two slave Constitutions, (as I have before stated,) and tell the people of Kansas they might take their choice between them, provided they would swear to support the one which might get the majority of votes.

The last step in this proceeding, under the forms of law, was to return six or seven thousand votes as cast on the Constitution on the 21st of December, when it is satisfactorily shown that no more than two or three thousand were thrown.

Does any Senator ask me where I get my authority for this? I get it from the same authority to which the President appeals to show that there was rebellion in Kansas-Governor Walker and Secretary Stanton. They say it, and nobody

undertakes to dispute it.

Now, all these forms having been complied with, pledges having been forfeited, the question not submitted, and a cheat in the vote, we are told that legality is all on one side, and illegality on the other, and we are bound to take the result; in other words, that this is a legal ratification. That is the principle laid down, and it amounts to this; that because it has never been submitted, therefore it has been legally adopted-a logical conclusion to which I am entirely anable to give my assent.

What is the reply which is made to the allegation of fraud? The honorable Senator from Georgia makes it. His reply is, that it must be investigated in the proper place. What is the proper place? Is not this the tribunal? is the question to be settled, if not here? not we the tribunal to settle the question whether Kansas shall be admitted as a State under this Constitution? Are not we the tribunal to settle whether the matter has been fairly submitted to the people of Kansas, and whether they have adopted the Constitution? It comes before us for action. If a better tribunal than this can be found to settle the question definitely, I wish the

honorable Senator had pointed it out. The votes on the Constitution are returned to Mr. John Calhoun. He is the man who forfeited his pledge; he is the man who broke his word; he is the man who promised to submit this Constitution to the people of Kansas, and refused to do so. The votes are to be returned to him; he declares them; he claims no power to go behind the returns; and he is the person to make a conglusive return on this subject. When we wish to inquire into the truth of these allegations, and judge whether this Constitution does fairly express the will of the people of Kansas, is it enough to reply, "the question has been settled by Mr. Calhoun, and he is the proper tribunal; and the Congress of the United States, in deciding whether or not Kansas is to come into the Union as a State, has no right to inquire whether a fraud has been committed or not, or whether the will of the people of Kansas has been expressed or not?" I reply again, that the Senator from I reply again, that the Senator from Georgia, for he is an eminent lawyer, well knows the principle that fraud vitiates everything, no matter what. It vitiates the record of a court of law. It sets aside a judgment. This is claimed as a judgment of the people of Kansas; a judgment that is conclusive by virtue of the decision that has been made there by a person who is a party to the whole thing. It is claimed as a judgment. We ask to go behind it, and inquire into it. It is said we are precluded. On what principle? Not on the principle of law, for if fraud will vitiate the record of a court, and enable any proper tribunal to inquire into it, I wish to know why fraud will not vitiate an election, as has always been held from the foundation of election is brought before the very tribunal which is appointed by the Constitution to settle the question?

My conclusion, then, Mr. President, on all this matter, is, simply, that the President of the United States, in sending this communication to us, his written argument, has deliberately chosen to omit the most important facts in the case, as well known to him, or which should have been as well known to him, as any man; for he cannot plead ignorance. They are facts apparent on the record-palpable, plain, unmistakable. omitted to state them, and he has stated others which are disproved by the record accompanying the message. It has been shown over and over again, beyond all power of contradiction, and I take it few men can be found with hardihood to deny it, that the vote of December 21st, on the Constitution, does not express the will of the majority of the people of Kansas. The attempt is merely to estop us, and to say that, by virtue of the success of these fraudulent practices, the people of Kansas have no right to inquire into the matter. Sir, I deny the principle. It exists neither in law, nor in equity, nor in legislation, nor anywhere where truth and justice Therefore, what I have to say in reference to that matter is, that considering the question in that point of view, this Constitution presents itself to my mind as an outrage, deliberately planned, followed up remorselessly, and perhaps, from the indications we have had, designed to be carried through and imposed on the people of Kansas. All I have to say is, that it will meet with my resistance, feeble as it may be, here, so long as I am anthorized to act on it, under the forms of the Constitution of the United States.

Sir, I have considered this question so far wholly with reference to the simple point whether, in the exercise of what is called popular sovereignty in Kansas, there has been any adoption by the people of that Territory of the Constitu-tion thus presented. That is only one branch of the remarks which I intended to present to the Senate, and the Senate will pardon me if, on this occasion, I go a little further, and treat of what I believe to be still more important, at any rate, as important, and, as affecting my mind as materially, with reference to the whole subject. I have presented the question on the ground of popular sovereignty. The party to which I belong have rejected the idea of popular sovereignty in the Territories, from the beginning. We do not reject the idea that the people have a right to rule. We admit it in our principles and our practice; but we have rejected the idea that Congress had a right to change the whole form in which it had been accustomed to exercise authority over the Territories of the United States, and lay those Territories open to Slavery when they were free, under the name of giving the people the right to prescribe their own institutions in their own way. Since this doctrine of popular sovereignty has been forced on ussince it has been adopted, to a certain extentwe have been compelled to yield to it. We were in hopes, that even in the exercise of that the Government to the present time, when that principle, of the right which it was said the

sas would be a free State. We sympathized with it, in the hope that it would be available. We took it as the shipwrecked mariner takes the first plank on which he can lay his hand in order to escape death. The boon was apparently held out, if it was a boon, to the people-the right to settle what their institutions should be by their own popular vote. We rejected it when offered, because we believed it was a breaking down of the landmarks which Congress had adopted with reference to the Territories, and establishing a principle that would carry civil war and Slavery into the Territories. Our predictions in that particular have been verified.

Why have we rejected it; why have we repudiated it in regard to the Territory of Kansas ?because in the remarks which I have to make I confine myself to that. I answer for myself when I say that I repudiated it because, to me, the circumstances under which it was introduced were such as to lead to the conclusion that, in my mind, it would make no difference even if the whole people of Kansas had adopted a Constitution which recognised Slavery. I expressed my sentiments on that subject on a former occasion very distinctly; and if I may be excused for doing so, although I am ordinarily averse to attempting to repeat myself, I wish to refer to what I said when the Kansas-Nebraska bill was under consideration, as the ground which I hold at the present time. 1 said then:

"If gentlemen expect to quiet all these controversies by adopting what my constituents now consider, and very well consider, an uct of grass wrong, under whatever pretence it in a y be, whether on the ground of the unconstitutionality of the former n.t. or any other, after having rested so long satisfied with it, let me tell them that this. n my judgment, is the beginning of their troubles. answer for one individual. I have avowed my own op position to Slavery and I am as etrong in it as my friend rom Ohio, [Mr. Wade] I wish to say, again, that I do not mean that I have any of the particular feeling on the subject which gentiemen have called 'sickly sentimentbut if this ma ter is to be pushed beyond what the anty. But it this mater is to be pushed beyond what are Constitution "riginally betweed r; if, to polylical our-poses, and with a political design and effect—because it is a political design and effect—we are to be driven to the wall by legislation here, let metall gentlemen that this is not the last they will hear of the question. Terri-tories are not States, and if this restriction; is repealed ories are not States, and it this restriction its repeated with regard to that Territory—it is not yet in the Union, and yo may be prepared to understand that, with the assent of the free States, bur y judgment, it never will some into the Union, exc pt with exclusion of Slaver, "Peppendix to Congrassional Globe, vol. 20, p. 392.

I took the ground then, that if the Missouri restriction were repealed, and this Territory, which had been dedicated to Freedom, thrown open to the incursions of Slavery, for the purpose, as I believed then, and believe now, of making a slave State of it, it was not the last of my op-position; that if it presented itself in my day with a Constitution allowing Slavery, I should oppose its admission as a State. I am willing to go further now, and say that, viewing it as I did at the time, and as I do now, to be an outrage, to be a breach of compact, to be a repeal of that restriction for the purpose of making slave States out of Territory which was before dedicated to Freedom, I hold myself at liberty to contest it, now and at all times hereafter. Establish Slavery in that State, if you please, by force or fraud, for set the country in a blaze from one end to the

people had to frame their own institutions, Kan- | nothing but force or fraud can do it; and the result with regard to myself is, that on that subject, I hold the liberty to agitate, I shall hold the liberty to agitate, and I will agitate, so long as a single hope remains that Slavery may be driven from the Territory thus stolen, robbed, from Freedom. I have no hesitation on that point; I am perfectly willing to avow it now and before the country. While I say now, as I have said before, that with regard to the slave States of this Union, I would not, if I could, interfere with their institutions; while I hold that under the Constitution of the United States we have no right to interfere with them directly, and that under the laws of morality we have no right to do indirectly that which we have no right to do directly; and while I am willing they should enjoy all the benefit they can get from their institution, undisturbed by me, here, henceforth, and forever, as long as they may choose to embrace it; with regard to this Territory, which has once been dedicated to Freedom by a solemn compact, and which has been stolen from Freedom by the repeal of the Missouri compromise, and where Slavery has now been forced on the people by a series of outrages such as the world never sawa man can hardly imagine the gross character of these outrages-I hold myself free from all obligation. Force it there if you will; force in this Constitution if you please; but I hold myself absolved, so far as the Territory is concerned, from all obligation to receive it.

I was commenting on the idea of what was called popular sovereignty, and was about to say that I considered it at the time, and now consider it, a mere pretext. It was a mere excuse for the repeal of the Missouri restriction. It was designed, in my judgment, and I stated it deliberately, for the purpose of making Kansas a slave State. This was denied; it was denied indignantly on this floor. I have been myself rebuked for undertaking to question the motives with which the act was done. Sir, I appeal to the recorded speech of the honorable Senator from South Carolina, [Mr. Evans,] who stated, in substance, subsequent to the passage of the act, that it was designed to make Kansas a slave State. I appeal to the speech made by a Northern man, I regret to say a Representative from Pennsylvania, in the other House, who said, substantially, that it was designed to give Kansas to Slavery, as a sort of offset to what we obtained in California, south of the line of 36° 30'. I appeal, moreover, as proof conclusive, to the facts which took place at the time; to the nature of the bill; to the want of necessity for the passage of any such act for any other purpose; and to the peculiar provisions of the bill, which so hemmed in Kansas, and hedged it about with slave territory, that, apparently, it was impossible for the people of the free States to make their entrance into it.

What else could have been meant by the repeal of the Missouri restriction? I know some gentlemen said, "it is a matter of feeling with us; we do not think anything will come of it." It was answered with the manifest reply, "will you that you do not intend or wish to avail yourselves of?" If it could be rendered more manifest by anything that could be appealed to, it was proved by every after transaction with reference to the matter; it was proved by the forcible invasion; it was proved by that series of outrages, to which I have referred; and now, at this day, nobody undertakes to deny what, we then charged.

I say, therefore, that this popular sovereignty idea was a pretence. It was held up to the people for a short time, as, in fact, the main thing to be accomplished by the bill. The honorable Senator from Georgia, the other day, undertook to say, here in his place, that he was familiar with that provision, and that it was not introduced for any such purpose, but simply for the purpose of excluding a conclusion; that is to say, that there were some gentlemen who held there was danger, if you repealed the compromise, that the old French and Spanish laws would be reinstated, and that Slavery thereby would be established in Kansas, and that this clause was put in merely for the purpose of negativing that conclusion. That is not so, because, if you appeal to the bill itself, the very next provision settles that matter,

"Provided, That nothing herein contained shall be construed to revive or put in force any law or r gulation which may have existed prior to the act of the 6th March. 1920, either projecting, establishing, prohibiting, or abolish-

That is the clause which affects the question to which the Senator from Georgia alluded.

It is proved by another fact. The honorable Senator from Illinois, in his speech which he made on the night the bill was passed, the last night, the memorable night, declared that this clause (which was not an amendment, but came in as one of the changes of the committee who reported the bill, and was moved by him) was the main feature of the bill, and the removal of the Missouri restriction was only an incident. I dare say the Senator remembers it. He said that the great object of the compromises of 1850, as they were called, the leading idea of the compromises of 1850, for which he contended, was to give the people the power of deciding what their institutions should be in the Territories; and he went so far on that occasion as to contend that they should be allowed not only to establish but to exclude Slavery; that is to say, that no provision should exist which would not give the people of the Territory both powers. I have his speech before me.
Mr. DOUGLAS. I did not intend to interrupt

the gentleman from Maine; but he said a moment ago that the object of that bill was to make a slave State of Kansas, and that nobody denies it. must say to him, that I interpose my positive denial. It was not the object to make it a slave State; it was not the object to make it a free State; but it was the object to leave the people of Kansas perfectly free to do as they pleased in the management of all their domestic institutions, Slavery included. I do not desire to say any more than that at this time.

Mr. FESSENDEN. We use language in debate to his argument; but on the proposition he is

other, merely upon a point of honor; for a thing | which the Senator is aware is perfectly understood; but, if taken literally, goes perhaps further than it should. When I say that nobody denies it, I do not mean that everybody admits I mean to say, simply, that the matter is palpable, from after circumstances as well as from what took place at the time; and from the absence of any other reasonable motive, and from what has taken place since, in the progress of affairs toward making it a slave Territory, no reasonable, unprejudiced mind, not connected with the transaction, can deny, on any good, logical ground, that such was the object with which the Missouri compromise line was repealed.

But, sir, I was replying to the idea that this clause was intended, as was suggested by the honorable Senator from Georgia, as a mere exclusion of a conclusion. The framer of that bill, in his speech on that occasion, said that the idea of popular sovereignty was the principal thing aimed at in the bill; and that the removal of the Missouri restriction, instead of being the principal thing, as contended by the Senator from Georgia, was merely an incident necessary in order to effect the object of conferring popular sovereignty. That is the idea. I stated that it was a pretence. I so considered it. We so considered it. We so considered it on our side of the House, and so stated it. But I now go further, and say that what I then considered to be a pretence for the repeal of the Missouri compromise, I now consider to have been a delusion and a snare; and I am willing to give my reasons for this opinion as briefly as I can. It was held out to the country as the main

feature of that bill, that a great boon was to be conferred on the people of the Territories; that whereas, by the operation of the Missouri restriction, they had been excluded from the power of deciding what their own domestic institutions should be, by the repeal of that restriction this power was conferred on them. Upon whom? That it was What was understood at the time? conferred on the people of the Territories, as the people of the Territories, and acting with regard to their own Territorial institututions. That idea was boldly proclaimed by the Senator from Illinois. That idea was proclaimed as boldly by Southern gentlemen on this floor, on the occasion of the Kausas debate. was denied by nobody, if I recollect, except the honorable Senator from Mississippi, [Mr. Brown,]

and a hint of dissent was given by an honorable Senator from Virginia; but, with these exceptions, according to my recollection, no one here denied Southern men and Northern men all agreed that, by the repeal of the Missouri compromise, it was intended to confer on the people of the Territories, as people of the Territories, the power and right to settle their own institutions in their own way; to say whether they would have Slavery or not. It was so presented to the people on the stump, in the years 1854 and 1855, throughout all the Northern States.

Mr. BENJAMIN. If the Senator from Maine will permit me, I will make a remark here. intend hereafter to make a more formal answer

mind to the fact, that when that particular subject in the discussion of the Kansas bill was under consideration, it was distinctly stated that the supporters of that bill, North and South, entertained different views as to the rights of the people of a Territory to exclude slaves from a Perritory; and for that reason the clause was added to the section of the bill which gives power to the people of the Territory, "subject only to the Constitution of the United States. the intent being to leave that particular power subject to construction by the courts of justice. We carried out that intent by providing, in another clause of the bill, for an appeal to the Supreme Court of the United States on every question touching Slavery, whether the amount in contest was two thousand dollars or not. The gentlemen from the South who supported the bill contended that it was not in the power of Congress to confer on the people of a Territory the right to exclude slaves, because our right to carry our property into the Territories was guarantied by the Constitution. Gentlemen from the North denied it; and on that particular question this very clause was inserted into the bill, of a grant of power subject only to the provisions of the Constitution of the United States, referring to that contested question which, by common consent, was to be submitted to the Supreme Court, and has been decided, in the Dred Scott case, in conformity with the views then entertained by gentlemen from the South.

Mr. FESSENDEN. I remember that controversy very well, and I know that something of that sort was said, but the matter was not questioned as a matter of argument. Gentlemen did not seem disposed to discuss it. Nobody, as I said before, started the idea, then so monstrous, then so new, now established, as the Senator gays, (if he considers it established,) by the opinion of the Supreme Court; nobody dwelt upon it. That clause means nothing more; it is substantially in all the Territorial bills; not in the same language, but to the same extent; that is to say, that they shall have all power of legislation in the Territory, subject to the provisions of the Constitution of the United States; but it was not contended then, in argument, that the Constitution of the United States, by its own force, carried Slavery into the Territories, and protected it there. It was hinted that a different opinion prevailed; but the gentleman from North Carolina [Mr. BADGER] disavowed it. The gentleman from Maryland, [Mr. PRATT,] if I remember aright, offered an amendment, which he subsequently withdrew, giving expressly to the people of the Territories power to exclude or admit Slavery, at pleasure. The language of the act, as my friend from Ohio [Mr. WADE] says, carries the same idea with it.

But the point to which I was directing my attention was simply this: that at that time it was not pretended but that the people of the Territories had power, or were intended to have power, under that clause, to legislate upon the whole subject-subject, however, as of course everything of that kind must be decided to be, to the

now stating, I beg leave to call the gentleman's | Constitution of the United States. I am speak ing of what the idea was then; and I was endeavoring to illustrate my position, that it was intended as a snare and a delusion. Why? I was so presented here; it was so presented in the country; it was so argued through the free States. Was it the design of gentlemen who placed it in that condition to have two grounds on which they might sustain the Democratic party-South, on the point that there was no constitutional power; North, on the point that there was constitutional power-and thus vibrate in the scale, on the one side or the other, accord. ing as they might catch votes, as they assumed this or that doctrine? Was that the calm, settled intention of that bill? It makes out my position of its design to establish Slavery there, much more strongly than any argument I have

But what is the result, after it was thus argued? When the Cincinnati Convention met, we had an entire change of doctrine. The Cincinnati Convention intimated a different opinion; and the Democracy of the North, which had talked so much about popular sovereignty before, which universally in the Senate had claimed that the people of the Territories had the right, as Territories, to settle the question of Slavery in their own way; the Democracy of the North, when they met in Cincinnati, yielded to the doctrine promulgated there, that it was only to be settled when they came to form a State Constitution, because that is the clear inference from the platform there adopted.

You have gone still further, and now assume the doctrine that the Constitution by its own force not only carries Slavery iuto the Territories, but protects it in the Territories until a State Constitution is formed. Is that the doctrine? Is that what is now assumed by the Supreme Court? Suppose it to be so, I should like te know what new power was given to the people of the Territories by this famous clause in the Kansas bill granting popular sovereignty. Did they not have that power before? Was it necessary to repeal the Missouri compromise in order to give the people of the Territory of Kansas a right to prohibit or establish Slavery, by their State Constitution, as they saw fit? The Missouri compromise provided nothing further than that Slavery should not be carried into territory north of 36° 30'. Suppose, without the act, the people of Kansas, when they came to form a State Constitution, should have provided that Slavery might exist in that State, legalized and authorized it, and sent that Constitution to Congress, and it was admitted; would not that have been a repeal of the Missouri compromise? What was gained, then, in any form, I should like to ask, by this famous provision introduced into this bill, and which has been called a stump speech?

Mr. DOUGLAS. I will answer the Senator from Maine. There was on the statute book an act prohibiting the introduction of slaves there "forever;" not confined to the Territory only, but extending forever; and it is useless to disguise the fact that there was a large political party in this country who claimed that "forever" was to apply to a State as well as a Territory, and hence they resolved that they would never admit another slave State into this Union, whether the people wanted it or not.

Mr. FESSENDEN. How resolved it?

Mr. DOUGLAS. Resolved in county meetings, in Congressional Conventions, in State Conventions, against any more slaveholding States, whether the people of the proposed State desired Slavery or not. The Democratic party bok the ground that the people of each Territory, while a Territory, should be left free, without any Congressional intervention, to fix their institutions to suit themselves, subject only to the Constitution of the United States; and that, when they came into the Union, they should come in with just such a Constitution as they lesired, subject only to the same restriction. Here was an act on the statute book which purported to invade both these rights. The Kansas-Mebraska bill repealed that prohibition or restriction of Slavery, leaving the people perfectly free to do as they pleased, both while a Territory and when they formed a State Constitution, subject only to the limitations of the Constitution of the United States. I repeat, therefore, the object of that bill was to remove all restrictions, and make the principle general, universal, that the people should fix all their institutions, Slavery not excepted, both while a Territory and a State, subject only to the limitations of the Constitu-

The Senator now comes forward and says that since that time the Supreme Court of the United States, in the Dred Scott case, has decided that the Missouri restriction was unconstitutional, and that, therefore, Congress could not delegate to a Territorial Legislature the power to prohibit Slavery; and hence, he says, this act conered no new rights on the people of the Ter-His argument goes too far. If that be the true construction, it shows that the only effect of the Kansas-Nebraska bill was to take an unconstitutional and void statute from

the statute book.

You assume the correctness of the Dred Scott lecision for the purpose of your argument. I do not blame you for assuming that, for it is a deision by the highest judicial tribunal on earth, he tribunal authorized by the Constitution of the United States to decide it. They have deided it, and we are bound by the decision, whatver may have been our individual opinions previously. That decision establishes the fact that he Missouri restriction was unconstitutional and Ad; the fact that Congress cannot prohibit lavery in a Territory; the fact that the dogma the Wilmot Proviso was void, and would have en a nullity if it had been imposed on the Terlories. If that be so, was it not wise to reove that void legislation which remained on e statute book only as a snare, or as a scarerow, and which ought not to be there, because was in violation of the Constitution of our ountry? I ask, was it not wise to remove it, ad to say plainly, in clear and explicit language, at our true intent was to leave the people of a very question to the Supreme Court of the Uni-

Territory, while a Territory, and also when they become a State, perfectly free to make their laws and establish their institutions upon all gnestions, Slavery not excepted, to snit themselves, subject only to the limitations of the Constitution of the United States?

Mr. FESSENDEN.

The honorable Senator, probably on account of my unfortunate mode of expression, did not exactly comprehend what I meant to say. I am very glad, however, to hear him now give the old original construction to this provision of which we have been speaking. He says now that the intention was to confer on the people of the Territories, while Territories. the power to settle all questions, including Slavery, in their own way, subject to the Constitution of the United States.

Mr. DOUGLAS. Of course. If the Constitution prohibited the exercise of that power, you could not confer it. If the Constitution of the United States prohibited you from passing the Missouri restriction, you had no right to pass it. If the Constitution allowed you to give the people of the Territory the right to prohibit Slavery while a Territory, this act conferred the power. In other words, the Kansas-Nebraska act conferred all the power which it was possible, by any legislation or any human effort, to give to the people of a Territory under the Constitution of the United States on the subject of Slavery. We could give no more, for we gave all we hadall that the Constitution did not prohibit.

Mr. FESSENDEN. I am not quarrelling about that at all. I was saying that this was a delu-Because it did presion and a snare. Why? cisely what the honorable Senator says it did. It professed to hold out to the people of the Territories that they had a right which they could exercise to exclude Slavery, if they saw fit, or to admit it, if they saw fit, subject to the Constitution. It was so stated and so argued to the country.

Mr. BENJAMIN. I dislike very much to interfere with the course of argument of the Senator from Maine; but it is a historical truth, which cannot now be shaken, that during the discussion of that bill, and during the preliminary meetings of its friends, which were made public, the fact was divulged, that its supporters differed in relation to that constitutional power; that some from the North contended that the people of the Territory had the power, if we gave it to them; that Congress had the power to give to them authority to exclude slaves from the Territory, whilst a Territory; and that, on the other hand, the representatives of the people of the South determinedly resisted that pretension, and said, from the beginning, they would never agree to any act which in any mauner might imply the concession of a right in Congress, or in the people of a Territory under Congress, to exclude them with their property from territory which was common soil, belonging to the people of the whole United States.

The fact I have just stated cannot be contested, for the reason that there is a special clause in the bill providing for the submission of that

the opposite view of the question, said, "very well; we differ on this constitutional question, but there is a tribunal in this country which can settle all these disputed points of jurisdiction without the necessity of resorting to force or bloodshed; let that supreme tribunal decide, and we will submit." The people of the South never asked for anything else; never sought any other solution of the question. Now, it is obvious that since the decision of the Supreme Court of the United States in the Dred Scott case, it is decided that from the origin all this agitation of the Slavery question has been directed against the constitutional rights of the South; and that both Wilmot provisoes and the Missouri compromise lines were unconstitutional. An attempt is made to go back on the interpretation of the Kansas act, and then, when that fails, to question the authority of that tribunal whose right to decide in the last resort has never before been questioned in this country.

Mr. FESSENDEN. Mr. President, I am not aware of any such provision in the Kansas-Nebraska act, in regard to referring this question to the Supreme Court of the United States, as the Senator has referred to. If there is any such provision, he can find it. I know it was proposed, but it was not admitted at the time. But whether there is such a clause or not, would make no difference. Congress can confer no power upon the courts of the United States, except under the Constitution. If they would have it under the provisions of the Constitution, very well; if they would not have it, it cannot be conferred by

Congress.

But I do not wish to be drawn off from the point I was arguing. I do not undertake to say that there were not gentlemen at the South, then members of the Senate, who held, or might have supposed and might have intimated, an opinion that there was no power on the part of the people of the Territories to exclude Slavery, until they came to form a State Constitution. That might have been so. What I was arguing was, that the idea held out to the country at the time was that the people of the Territories had the control of the subject, and would continue to have it while a Territory. I say it was so presented to the people in 1854 and 1855, at the polls, throughout the free States. I do not know how it was presented throughout the Southern States. know that gentlemen on this floor, Senators from Southern States, avowed the doctrine that the people would have power to act on it as they chose, to exclude Slavery or admit Slavery.

The point I was making, however, was one totally distinct from that; and it was, that no sooner had the people been induced to believe that such was the intention, no sooner had this pretence been made available, for the purpose of reconciling the people of the free States to the repeal of the Missouri restriction, than the Cincinnati Convention met and repudiated the whole doctrine of territorial popular sovereignty. Whatever the Senator from Illinois may now say with regard to his construction of that clause, what it meant in the beginning, the Democratic Con-

ted States. Senators from the North, who took | vention of this country, in nominating a Presi dent, especially repudiated that doctrine befor any decision of the Supreme Court of the Unite States, and averred substantially that the peopl of a Territory had no right whatever to exclud Slavery until they came to form a State Consti tution.

Now, the Senator from Illinois has not ever attempted to answer the question which I put to him, which was this: if the doctrine of the Cin cinnati Convention is true-not the doctrine of this bill, as he asserts, but if the doctrine of the Cincinnati Convention is true-that the only power which the people of the Territories have to interfere with Slavery is when they form a State Constitution, what was gained by tha celebrated provision thus inserted in the Kausas Nebraska bill? I say the people had it before Suppose the Missouri restriction had continued up to the present day, providing that Slavery should not exist north of a certain line, 36° 30' and at the present day, while that restriction was in operation, the people of Kansas should assemble and adopt a State Constitution, by which they should authorize the introduction and sale of slaves, and then should send that Constitution to us, and we should admit them on that Constitution: should we not repeal the Missouri restriction pro tanto? Certainly we should. I say, then, that under this resolution of the Cincinnati Convention, which was the creed of the Democratic party, North and South, no power whatever was conferred on the people of the Territories in regard to that particular matter of popu-They had none that did not lar sovereignty. exist before. No boon was conferred.

Therefore, I say that I believed it was not only a pretence at the time, but it was a fraud and a snare; and when the people of the free States were deluded into the idea that by the repeal of the Missouri compromise line they were to have the power given to the people of the Territories to establish or reject Slavery, as they pleased, the snare was, that the Democratic party was to put it to them next, that they should not have the power to admit or reject Slavery, as they pleased, except when they came to form a State Constitution, and Slavery had overrun them; and that when, by such proceedings as the present, they have been bound hand and foot, and cast into the burning fiery furnace of Slavery, then they might have the privilege of doing-what? Simply what they could do before-form a Constitution to suit themselves; send it to Congress and if Congress adopted it, then repeal the Missouri restriction. It went nothing further than that, and that was the point I made; and to the point no answer has been given.

I was endeavoring to illustrate the idea that there was an intention in this matter-an intertion demonstrated from the absence of all possible motive except to force Slavery into the Territory-from the nature of the provisions surrounding the Territory with slave States; from the proceedings that have taken place since is the Territory; and from the principle which was adopted as a cardinal point in the creed the great Democratic party, viz: that the people should not have the power to reject or exclude slavery until they came to form a State Constitution, and, in 'the mean time, that everybody from the slave States might carry alaves there when and how they pleased, to be there recognised and protected by the Constitution of the United States. Sir, had that doctrine been ansounced at the time the clause was inserted, had it been expressed in words, that we intended to leave the people perfectly free, only when they form a State Constitution, to establish or reject Slavery, as they please, would it not have been laughed to scorn, as conferring no new advantage on the people of the Territories—nothing that they had not before? Certainj it would.

The Senator from Georgia said this measure had been before the popular forum, and the popalar forum had decided in its favor. How has it decided? It has decided under these pretences, these delusions, these frauds, practiced upon it with regard to what was the absolute meaning of that clause. What privilege was conferred on the people by it? No other than that which I have spoken of; and it is idle to talk of the matter having been settled by the great tribunal of public opinion. There has been no such opinion expressed, because there have been no points except the two I have mentioned, before the people, one of which was abandoned when it had served its purpose, and the other carried in such a manner as to force Slavery on the people of Kansas, without any power left in the people to act on the subject, directly or indirectly.

I desire, before concluding, to advert to one other position which was taken by the Senator from Georgia, and which has been alluded to again to-day-that this matter has been settled by the judicial forum. It is said that it has been carried to the Supreme Court of the United States, and settled there. Does the honorable Senator from Louisiana, as a lawyer, undertake to tell me that the question has been settled by a judicial decision in that court? Did that question ever arise and present itself to the mind of the court with reference to any necessity of the case? To what extent does the honorable Senator, or any body else who is a lawyer, undertake to say that the decision of the court is binding? It is binding so far, and so far alone, as it can issue its mandate. lts opinion is of force only upon the question which settles the cause. Am I bound to recognise opinions that may be advanced by any set of judges, in any court, simply because, after they have decided a cause, they undertake to give their opinions? They may be bad men, they may be weak men, but their mandate in the cause before them must be obeyed; and I will go as far and as readily as any man to obey the mandate of any court to which I am bound to render obedience; and I am bound to render obedience to the Supreme Court of the United States; but when they undertake to settle questions not before them, I tell them those questions are for me as well as for them. When they undertake to give opinions on collateral matters which are not involved in their decision, and which they are not called upon to decide, I tell them they are men, like myself and others, and Reports, page 438.

their opinions are of no value, except so far as they enforce them by sufficient and substantial reasons; and if they give bad reasons or bad logic, I would treat them as I should anybody else who would try to convince my judgment in such a way. I have good anthority on this point; and it is authority that I present for the special benefit of those who are disposed to read us lectures lately on the subject of bowing to the opinion of the court. I have a law book in my hand, from which I wish to read one cr two passages. The Supreme Court of one of the States of this Union, in giving the opinion which I hold in my hand, in speaking of the action of the Supreme Court of the United States, says:

"The directory of the state of

But are not the decisions of the Supreme Court of the United States to govern this, as to the rule of constraint the Constitution? They are not, any more than the decisions of that court are to be governed by the decisons of this

"The Supreme Court of the United States has no jurisdictio over this court, or over any department of the Government of this State."

I wish to read another passage showing the opinions entertained by the learned court which gave the decision before me:

"But say that I am wrong in this opinion: still, I deny that the decisions of the Supreme Court referred to are precedents to sovern this court.
"Those decisions were mere part, san decisions—to be

"These decisions were mere partisan decisions—to be overruled in the court which made them, as soon as a majority of the semilerite of the court should be a majority of the members of the court should be a majority of the member of the court should be a majority who made the decisions. The doctrine that a decision of the Supreme Court of the Unit-d States is to divitate a man's politics to him, is a doctrine awound be as easy that a man's politics to him, is a doctrine wound be as easy that the state of the semilerity of the sem

"But are these mere political decisions, and made by partisan judges?"

Then the court go on to review the history of the judges of the Supreme Court of the United States, beginning with Judge Marshall, to show that they are mere partisans. There is another little extract I should like to read.

Mr. STUART. What court is it, from the opinion of which the Senator is reading?

Mr. FESSENDEN. I will give my authority after I have read what the court say:

"Now, partisan decisions may do to bind the political party which the makers of them happen to belong to. They certainly bind no their party. And this has been the uniform practice of all parties in his country. The Supreme Court said a bank is constitutional type, bank charters have been wrough by three several Presidents. Madison, Jackson, Tylet."

The same Court say they received a mandate from the Supreme Court of the United States, but treated it with contempt. Sir, that is the opinion of the Supreme Court of Georgia, delivered in the oase of Padelford & Co. s., the city of Savannah, in the fourteenth volume of Georgia Reports, page 438.

If these are mere party decisions, let us understand it. It seems that when the decisions are one way by the Supreme Court of the United States, gentlemen of the South say, "the judges are partisan judges; they cannot settle constitutional questions for us; those are political mat-ters." When, however, they undertake extrajndicially to give opinions not called for by the point before them; to lay down doctrines at variance with the whole history and precedents of the country from its very foundation, to overturn the decisions of their own predecessors, greater men than ever they can hope to be, and to reverse all the decisions of the legislative department of the Government, on questions of a political character and description, on their own mere say-so, we are told all this is law.

Sir, I was perfectly aware, from the course of proceeding, what this decision would he. When I saw the dictum, or the dogma, if you please to call it so, laid down in the Cincinnati Platform, that there was no power in the people of a Territory to exclude Slavery, and when I saw that that question had been brought to the Supreme Court of the United States, and that the Supreme Court, after hearing the argument, had adjourned from one day before the election of President over to another day after the election of President, I knew what the strength of the Slavery party was; and I felt what the decision was to be; and I felt, as well, and I do not hesitate to say it here, that had the result of that election been otherwise, and had not the party triumphed on the dogma which they had thus introduced, we should never have heard of a doctrine so utterly at variance with all truth; so utterly destitute of all legal logic; so founded on error, and unsupported by anything like argument, as is the opinion of the Supreme Court.

I should like, if I had time, to attempt to demonstrate the fallacy of that opinion. I have examined the view of the Supreme Court of the United States on the question of the power of the Constitution to carry Slavery into free territory belonging to the United States, and I tell you that I believe any tolerably respectable lawyer in the United States can show, beyond all question, to any fair and unprejudiced mind, that the decision has nothing to stand upon except assumption, and bad logic from the assumptions The main proposition on which that decision is founded; the corner-stone of it, without which it is nothing, without which it fails entirely to satisfy the mind of any man, is this: that the Constitution of the United States recognises property in slaves, and protects it as such. I deny it. It neither recognises slaves as property, nor does it protect slaves as property.

Fortunately for my assertion, the Supreme Court, in making that the very corner-stone of their decision, without which the whole fails, state the clauses on which they ground these assertions. On what do they found the assertion that the Constitution recognises Slavery as property? On the provision of the Constitution by which Congress is prohibited from passing a law to prevent the African slave trade for twenty years; and therefore they say the Constitution

recognises slaves as property. Will not anybody see that this constitutional provision, if it works one way, must work the other? If, by allowing the slave trade for twenty years, we recognise slaves as property, when we say that at the end of twenty years we will cease to allow it, or may cease to do so, is not that denying them to be property after that period elapses? Suppose I yield to the court all the force they demand, and admit that here is a distinct recognition that this is property, hecause we recognise that the African slave trade may exist for twenty years; yet, when we say that after that period has elapsed that protection shall no longer exist, do we not say that after that period of time it no longer is property, and ceases to be at the expiration of twenty years? Certainly, if the argument will work the one way, it must work the other. If you derive the power under the Constitution, because for twenty years it is property, you lose it when the twenty years elapse, by the same method of argument.

Mr. MASON. That is an assumption.

Mr. FESSENDEN. That is my argument, and it is my answer to the assumption of the Supreme Court of the United States. If it is an assumption on my part, it is certainly an assumption on theirs. But I leave it to every fair man, on every principle of logic. It depends on that, does it? That died twenty years after the Constitution went into operation. Did not the recognition die with it? Does the Constitution recognise it after the twenty years have elapsed? The power is gone. So far as you draw any recognition from that clause, it ceased with the expiration of the period.

Again, the court say it is protected as property by the provisions that persons held to service, escaping from one State into another, shall be delivered up. Are they not spoken of as "persons?" Are they spoken of as property? Is there anything said about their being property? Does not that provision of the Constitution apply just as well to white apprentices, held under the laws of the different States for a term of years, as it does to slaves? Will you pretend that, by the Constitution of the United States, white persons, held as apprentices for a term of years, are property? Certainly, no such position can be maintained. Your argument, if it works at all, mnst go the whole length, and you must find that the word "person" means property, and may be regularly and legally construed as property. I have not time now to pursue this topic.

Then, sir, to sum up the substance of my argument, I wish to say again, that what I consider this original scheme to have been was to assert popular sovereignty in the first place with a view of rendering the repeal of the Missouri compromise in some way palatable; then to deny it, and avow the establishment of Slavery; then to legalize this by a decision of the Supreme Court of the United States, and claim that it had become established. I sincerely believe that decision of the Supreme Court of the United States was a part of the programme. It was to be had, if having it would avail; but if not, it would never have been had.

should have been foreseen. The honorable Sen-ator from Illinois, at this day, interposes his strong arm to stay the tide of Slavery which is setting over Kansas Territory contrary to the express will of her people. He claims to do so, not from any sympathy he has with the general subject, but simply for the purpose of carrying out what he says is the original intent and meaning of his favorite bill. From what I have said, I think it is perfectly obvious that he might have foreseen what the result would be. He has gone on, according to the dictates of his own conscience; first breaking down the barrier which kept Slavery out of Kansas; next protecting and defending every outrage that has been perpetrated in Kansas with a view to force Slavery on that people, up to the time of this last great outrage, when it was attempted to place a Constitution, in the shape it was, before the people, and then send it to Congress; and now he stays his hand here. Why, sir, with what a vain hope! Does the honorable Senator think he can take the prey from the tiger, and not himself be torn? When was Slavery ever known to stay its march over a free country, unless forced to do so; and when it had seized it when was it ever known to let go its hold? It is a part of the system to pay nothing at all for involuntary servitude; and if the service is voluntary, experience has shown that it must be unlimited, unquestioning, To hesitate is to lose all; to stop, is to die. The experience of greater men than the Senator from Illinois, and of many smaller ones, might have taught him that lesson.

Sir, I say that he and the friends who stood by him, in repealing the Missouri compromise at the time it was repealed, should have known what the result was to be, should have known that as the design was to force Slavery into Kansas, so Slavery would never leave Kansas unless it was driven out by force. They should have understood what the result was to be; and it is not enough for them to say now, that they do not, and did not understand it. Well might they quote the language of the greatest poet of this century, and say :

"The thorns which I have reaped are of the tree

I planted; they have torn me, and I bleed. I should have known was fruit would spring from such

But, sir, what is to be the remedy for all this? What is promised us? The President tells us we are to have peace when this Constitution is adopted, and Kansas comes into the Union as a slave State. He speaks contrary to all philoso-Phy. Have we ever had any peace for the last four years on this question? Has this country been a peaceful country during that time? The initiation was only then; and when this matter was initiated, when the Missouri compromise was repealed, did you not witness in this country an excitement which would not die? And yet We are told now, consummate the iniquity, carry out the cheat, repudiate popular sovereignty, get a decision from a Slavery court that the Conlitution (shame to it, if so) not only recognises,

Mr. President, the natural result of all this on the people of Kansas, by presenting them two Constitutions and telling them to choose one of them, for they shall go no further, and then we shall have peace!

Sir, let me tell the President of the United States, and all others, that the opposition to Slavery in this country is now a sentiment, an idea-not to Slavery as it exists in the States. not a desire to interfere with your institutious anywhere; but a determination, if possible, to arrest its progress over the free territories of this country, because it is believed to be a curse. Although that sentiment was covered up in the ashes of the compromise of 1850, buried so deep that it seemed as if it would never again spring into life, you yourself exhamed it; you added fuel to the sparks that were buried; you kindled that sentiment into a flame; you have been heaping combustible material on it from that day to the present, until at last you are in a fair way to Upon you be the conmake it a conflagration. sequence, if it be so. It is not for the President to cry "Peace!" at the consummation of an outrage, when the very beginning of it excited the detestation of the community in which he was born and bred.

But, sir, we go further than that. That is to be the consequence on the one side. What is to be on the other? We are told that we are to have a crisis, and the Union is to be dissolved. I expressed my opinion on that topic four years ago. We have had resolutions in the newspapers from the State of Alabama, that if Kansas shall not be admitted under the Lecompton Constitution, it would be time to look about and see how this Union could hold together. We have had it started in one or two other of the States of the South. We have had it from the honorable Senator from Mississippi, [Mr. Brown,] and from other Senators. They tell us that then will be a crisis; the moment the people of this country get divided into parties, North and South, on a question that is important to them, and the people of the North triumph at the polls under the Constitution, then the time has arrived, the crisis has come, when the Union is to be dis-solved! Sir, if I did not think it was to be a very serious matter in some respects, I could laugh at this idea. At any rate, it reminds me of a story familiar to all of you, probably, though I never saw it until yesterday.

This disposition, which gentlemen have on all occasions, to get up a crisis whenever anything looks against their peculiar view of a subject, and to inform us that the time has arrived, with the idea that people can be frightened from their propriety, is illustrated by a story which I saw in the newspapers, something like this: A celebrated general in the last war is said, in one of the battles on the advance to the city of Mexico, to have rode up to Captain Duncan, who was in charge of a battery, and, with a very grave and sober face, told him: "Captain Duncan, fire; the crisis has arrived." Duncan turned to his men, with matches all lighted and ready, and gave the order to fire. An old artilleryman walked up to him, and said : "Captain, I do not but protects Slavery on free soil, force Slavery | see any enemy within range of our guns; what

shall we fire at?" "Fire at the crisis," was the over one solitary foot of free soil beneath the response; "did you not hear the General say the crisis has come? Fire at that." [Laughter.] So it is with gentlemen, I think, in reference to this matter. They are always charged and ready to fire at the crisis. I believe it has arrived half a dozen times within my recollection.

What I wish to say on that point is, that I look on it with great seriousness, but without a particle of apprehension. We in the free States have rights under the Constitution of the United States, and we have determination enough to enforce and sustain them. We are not to be driven from the position we have assumed by any threats of a disruption of the Union. We have no particular pretentious exclamations to utter with regard to our great attachment to it. Let that attachment be proved by our works. We will stand by the Union of this country so long as it is worth standing by; and let me say to gentlemen, that the moment the time arrives when it is to be used as an argument to us, "you must yield on a question which you consider vital to your interest and your rights, or we shall take measures to dissolve the Union," my answer is, that if we do yield, the Union has ceased to have any value for me. So long as I stand upon American soil, a freeman, with equal rights with others, and power to enforce them according to my ability, unrestricted, nnrestrained, and naterrified, too, this Union is valuable to me; but when the hour comes when that privilege no longer exists, when I hold my rights by the tenure of vielding to weak fears, I am willing to see any consequences follow, so far as I am concerned, or so far as my people are concerned. Let not gentlemen indulge themselves with the hope that all these resolutions passed by Southern Legislatures about dissolving the Union, and all these mass meetings held for the same purpose, and all intimations thrown out here to the same effect, are to produce any possible result, so far as the determination of Free State men is concerned on this question.

The Senator from Mississippi spoke of compromises that had been made, and said he wanted no more compromises. Sir, I want no more com-There is no room for promises on this matter. I agree with him that there have compromises. been compromises enough. As addressed to a Northern man, (if the Senate will allow me to quote poetry again, and I shall not trouble them much in that way,) it means this, and this only:

" Northward it hash this sense alone, That you, your conscience blinding. Shoul bow your fool's nose to the stone, When Slavery feels like grinding?

Sir, I wish to be ground no more under such The question that is presented to compromises. the people of this country is a simple question : Shall Slavery, with all its blighting and all its political power, be extended over the free Territories of the Union? Not by my consent. Never will I compromise upon one single point, so far as I am individually concerned, that will allow what I consider to be a death blow to all the free principles of our institutions to be extended | the glory and the merit which he may claim

circuit of the sun.

Subsequently, on the same day, in reply t Mr. Davis, of Mississippi, Mr. FESSENDEN said

My physical ability is not very great at an time, and what I have is well nigh exhausted & the length of time during which I have been ob-liged to trespass on the Senate. In what I hav to reply, therefore, to the Senator from Missis sippi, I must necessarily confine myself to a verbrief period. I may take occasion hereafter to review what the Senator has now said, in detail And although I have wearied the patience of the Senate very much to-day, I suppose it will no preclude me from wearying it as much at another time, if I see fit to do so, I am, therefore, no particularly alarmed by the threat of the Senator that he will proceed, at some future occasion to treat of what has been said on this side o the Chamber to-day, and in which I suppose he referred to me, as I have said the principal part

But I rise for the purpose of saying that I do not recognise his authority, in the style which he chooses to assume, to lecture me on the sentiments that I choose to advance before the Sen-In the first place, i have not attacked the institution of Slavery in the States where it is established-I have preached no crusade against

I have expressly disavowed the intention to interfere with it, not because I have any fear of avowing such sentiments, (if I entertained them,) nor because I should hesitate to do so in the presence of the honorable Senator from Mississippi. Sir, when the day comes that I shall shrink from stating in this Senate and before the country every sentiment that I entertain-every feeling of my heart-with reference to these matter which so much agitate this country, under the fear of man, or what man can say or man can do; whenever such considerations shall indeed me to hesitate, I will not stay in this body single hour. I should disgrace the noble State from which I come, and which trusts me here, I hesitated to speak my opinions as well upo this subject as any other. I will not use th offensive phrase which has been used here some times with reference to the demeanor of gentle men towards this side of the Chamber, when w express our opinions on this subject; but I wi say to the Senator from Mississippi, most di tinctly, and to every other Senator, that whi I intend to treat them with all that respect an courtesy which are due from me to them, having the same rights here, and occupying the same position, they must accord to me the right to speak the sentiments which I entertain, V awed by any comment or any consequences the may be intimated from any quarter whatever.

The Senator chooses to place me in the at tude of advocating disunion sentiments. not sung pæans to the Union or the Constituti I do not pretend that my life has been so illu trated by distinguished services to the count as the honorable Senator from Mississippi seet to suppose his has been. I accord to him himself. I attack not him. I respect his character and respect his services; but, sir, I wish him to understand distinctly, that whatever may be his superiority over me in those particulars, or in any other particulars, on this spot we are his peers. I am the equal of any man in my rights on this floor, and I will exert those rights wherever I choose, within the rules of order, let the consequences be what they may in regard to me; and if the time comes when I cannot make my hand keep my head, then anybody is welcome to take it. Sir, I have avowed no disunion sentiments on this floor, neither here nor elsewhere. Can the honorable Senator from Mississippi say as much?

Mr. DAVIS. Yes. Mr. FESSENDEN. I am glad to hear it, then. Mr. DAVIS. Yes. I have long sought for a respectable man who would allege the contrary.

Mr. FESSENDEN. I make no allegation. asked if he could say as much. I am glad to hear him say so, because I must say to him that the newspapers have represented him as making a speech in Mississippi, in which he said he came into General Pierce's Cabinet a disunion man. If he never made it, very well.

Mr. DAVIS. I will thank you to produce that newspaper

Mr. FESSENDEN. I cannot produce it, but I can produce an extract from it in another pa-

Mr. DAVIS. An extract, then, that falsifies

the text.

Mr. FESSENDEN. I am very glad to hear the Senator say so. I made no accusation. I put I the question to him. If he denies it, very well. I only say, that with all the force and energy with which he denies it, so do I. The accusation never has been made against me before. On what ground does the Senator now put it? On the ground that I assert that I am opposed to the extension of Slavery over free territory, and have asserted that the repeal of the Missouri compromise, and the events which have followed it, have been an outrage on the rights of the free States and on the Territory of Kansas, and that I will continue to agitate that subject, so far as that Territory is concerned, so long as I have the power to agitate upon it with any effect. Is that disunion? Does that prove his allegation? Mr. DAVIS. Does the Senator ask me for an

answer?

Mr. FESSENDEN. Certainly; if the Senator feels disposed to give one.

Mr. DAVIS. It you ask me for an answer, it is easy. I said your position was fruitful of such a result. I did not say you avowed the object-nothing of the sort; but the reverse. Mr. FESSENDEN. I am very happy, then, to

be corrected in that particular. I understood the Senator to charge me distinctly with disunion sentiments, as undermining the Constitution of the United States.

As sentiments that had that Mr. DAVIS.

Mr. FESSENDEN. That is a matter of opinion, on which I have a right to entertain my view as well as the Senator his. That I am under-

mining the institutions of the country by attacking the Supreme Court of the United States! I attack not their decision, for they have made none; it is their opinion. My belief is, my position is, that that very opinion, if carried into practice, undermines the institutions of this country. Sir, the institutions of this country stood firm; they stood upon the doctrines of Freedom, not of Slavery. When the Supreme Court of the United States lay down the doctrine that the Constitution of the United States recognises Slavery, I do not deny it. The position I assumed was, that the Constitution of the United States does not recognise slaves as property; does not protect them as property. It recognises Slavery as an institution existing in the States; it provides for certain contingencies; those contingencies I neither repudiate nor deny, nor attempt to cavil at; but I do deny the position which is assumed by the Supreme Court of the United States, applied to property as recognised by the Constitution beyond the limits of those States.

I assume, as I have always assumed, that in the Territories no State has any right. There is no such thing as the right of States in a Territory. The rights, if they exist, are the rights of the people of the States-personal rights; and when an individual, a citizen of a State, leaves that State with a design to go to another, and passes beyond its limits, he loses every right which he had as a citizen of that State, for he ceases to be its citizen. It being a personal right, if you wish to put it on that ground, and wish to divide this Territory according to the interest the people have in it, in proportion to numbers, how much, I ask, would the slaveholders of the Union be entitled to? How much would the half a million of slaveholders, with their wives and children, be entitled to out of the Territories of the United States, when put against the more than twenty millions of free people, who have the same rights with themselves? And yet the doctrine is taught here, that because in some of the States of the Union Slavery exists, therefore we are to take the number of States, and on the ground of State rights claim that the territory is to be equally divided, with equal privileges.

Sir, it is a personal privilege. So far as you may be a slaveholder, and desire to go to the Territories, you have all the privilege which belongs to you as an individual. If the Constitution enables and authorizes you to carry slaves there, take them there and try it. I deny the fact. It never was so held until very recently. when individuals of the Supreme Court gave that opinion. When Mr. Calhoun broached the doctrine in the Senate of the United States, it was received with derision, and it died. It hardly had an existence long enough to have it said that it lived; and when Mr. Calhoun, at a later day, said, as he did say, that if the Supreme Court should decide that the doctrine was not a true one, that decision would be entitled to no respect, to no observance, pray, was not he uttering sentiments undermining the Constitution of the United States and our institutions? He said

then, in a supposed case, what I say now. He i said that if the Supreme Court established the doctrine that the Constitution did not carry Slavery into the Territories, that opinion of theirs would be entitled to no respect. I say they have decided according to his wish, and that decision is entitled to no respect; for it is opposed to all the precedents of this Government, and opposed to all the doctrines which lie at the foundation of our institutions, and opposed to the previous decisions of that court.

Now, the Senator says we are aggressive. Pray, who began the aggression? Was not this country at peace after the compromise of 1850? Was not the country quiet? Who reopened the agitation? Who introduced the torch of discord among the people of these States? Those who advocated the repeal of the Missonri restriction. You opened it at a time of profound peace, not we; and we warned you then, that if you insisted on it, these flames would be kindled again, and God only knew how long they would burn. That aggression has been going on in Kansas from that day to the present. It has not ceased even now; and this issue is presented here in such a shape that the Senator from Illinois is compelled, from a sense of justice and duty, and regard to his own honor, to oppose the further perpetration of the outrages that have taken place there.

You say that you make no aggressions on us; von attack none of our interests. Look at the attack made on them at this very session. The fishing interest is an important matter in this country, protected by the Government of the United States. Has there been no attack on that? Has not the honorable Senator from Georgia given notice of a bill to repeal all the navigation clearly the sentiments I do entertain, and to up laws of the United States? Has he not put that hold my right to express them.

white y. The north la provincian . The tall d We 1 - 3 - 3 question before a committee? Is that no attack on the interests of the North? I am speaking of their interests. I do not feel disposed to argue that matter now, but I regard it as only the beginning. I know not how far it will go. I did not allude to it in the speech which I made; but if the Senator asks me for proof of any desire on the part of the Southern people to attack the interests of the North, all I have to say is. look at your policy. You have broken down our manufactures as far as you could. Some of you are now seeking to break down our commerce, and you ask us what you have done, and when will we cease our aggressions? Sir, we have been on the defensive from the beginning. We were on the defensive in 1854, when the Missouri compromise line was repealed. We have been on the defensive ever since; we stand on it to-day. If the consequences are injurious to you, blame yourselves for that; we have had no hand in them; we warned you from the beginning.

Mr. President, I did not think I could be drawn out to the extent to which I have been, but I felt it my duty to repel the imputation that I thought was made on me by the honorable Senator from Mississippi. What my sentiments may lead to, I do not know. They are such sentments as I honestly entertain, such as I have an undoubted right to express, and I do not fee! called upon to resign my seat here, although the honorable Senator from Mississippi intimates that the opinions which I have advanced must be the product either of malice or of ignoranceand I would rather be accused of the latter that the former. I beg him and the Senate to up derstand that I believe I know enough to express

WASHINGTON, D. C. BUELL & BLANCHARD, PRINTERS. 1858.

KANSAS CONTESTED ELECTION.

SPEECH OF HON S. GALLOWAY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES.

March 17, 1856,

On the Resolution reported by the Committee of Elections in the Contested Election Case from the Territory of Kansas.

Mr. GALLOWAY said:

Mr. SPEAKER: I do not know that I shall be able to throw any additional light upon the questions which have for some time past been so fully and ably discussed. I rise rather in obedience to the urgent solicitations of many of the constituency which I represent, than in accordance with the dictates of my own judgment. And, sir, if I do not succeed in a clear expression of my views, I shall at least have the apology for not speaking well that the schoolboy had for not spelling well in the new school-house—"that I have not got the hang of the House." [Laughter.]

I desire to be impartial in the consideration of this question; and if I shall appear to those who differ from me more as a partisan than a patriot, I only ask from such the same respectful consideration which I shall always be ready to reciprocate. I am unconscious of any feeling of partiality or of prejudice influencing my judgment in regard to the gentlemen claiming the position of Delegate from Kansas on this floor; the demeanor of each, to my observation,

has been correct and commendable. Mr. Speaker, the country loudly demands a thorough investigation of this subject. With the gentleman from Indiana, [Mr. DUNN,] I am surprised that those who differ from us are unwilling to have a full investigation, and that they endeavor to preclude inquiry by interposing special, dilatory, and evasive pleas. Every lawyer who has a meritorious case is usually anxious for a full and fair trial; when, however, he is apprehensive that justice may be too stitutional rule, that "each House shall be the speedily and certainly administered for the judge of the elections, returns, and qualificacomfort of his client, he then earnestly endeav- tions of its own members," clothes us with ors, by special pleas and demurrers, to postpone plenary power. I think the discussion has

the day of doom. He who is confident that he has espoused the cause of the injured and the innocent courts investigation, and is impatient for a verdict of acquittal; whilst he who suspects the guilt of the culprit seeks relief for the necessities of his friend in peril in the flaws of an indictment, or in some stratagem which ingenuity may devise.

The past misfortunes and the present perils of the people of Kansas have produced throughout our country an unusual and profound excitement-not a mere ripple on the surface, but a groundswell of the national heart. This intense feeling, gradually increasing in power. can only be healthfully allayed by energetic remedial action by this House, and by every other branch of the Government whose power can be applied to the wrongs and grievances of the people of the Territory. I trust, then, that what the country demands, what justice requires, may be granted-that we may have a full investigation of the whole matter. I do not care where the sword of avenging justice falls, so that it strikes the guilty. If the rights of the people have been trampled on, I wish to know who they are who have perpetrated the outrage; I do not care whether it will be found that they are from Massachusetts or from Mississippi, from the North or from the South : my wish is that the rascalities of the malefactors may be exposed fully to the public gaze, and that they may suffer adequate and exemplary punishment.

Mr. Speaker, it appears to me that the constitutional rule, that "each House shall be the

manifested that that power has been heretofore fully exerted. What is the object of this rule? Is it not to ascertain the genuine and legal ex-pression of popular sentiment? What are these "returns and qualifications" but instruments of evidence by and through which the will of the people is conveyed to us? If these testimonials have been perverted from their appropriate nse, it is the duty of this House, with scrutinizing eye, to follow up the channels until they arrive at the source, and see whether or not the fountain has been poisoned, and corropt streams have thence issued.

I will not advert to the authorities which have been so abundantly presented. They have already been fully and ably descard on by other gentlemen. The paramount consideration, npon which the majority base their report and resolution to send for persons and papers, is the invalidity of the law under which the sitting member [Mr. Whitfield] was elected; that law having been passed by a tumultuous assembly, acquiring position by acts of force and fraud-in palpable violation of right-in opposition to the spirit and letter of the organic act of the Territory-an assembly destitute of every element of a proper legislative body.

To these allegations it is replied, in the first place, that Mr. Reeder is estopped by having, in his official capacity as Governor, passed on the returns and qualifications of the members of To this I reply, this Legislative Assembly. that if wrong has been done-if wicked men have banded together for the purpose of prostituting the suffrages of the people of Kansas, and of violating the organic act of the Territory-if Governor Reeder has leagued himself with these outlaws, and winked at their enormities, then is it not both right and expedient that we should use one of the conspirators, who, unlike his confederates, has been smitten with a sense of the wrong, as State's evidence, for the purpose of subjecting to the power and penalties of the law the skulking perpetrators of wrong? An argument thus founded upon the assumed degradation of Governor Reeder would strongly tend to corroborate the charges preferred against the pretended Legislature of Kansas.

But, again: If Mr. Reeder's present position and conduct are in disreputable contrast with his acts as Governor of Kansas, and exhibit him (according to the assertions of our opponents) to be faithless and false, then his depravity becomes a strong reason for the inquiry proposed by the committee. When Mr. Reeder was appointed Governor, he was alike eminent for his private virtues and professional attain-He was indorsed by the recommendation of the Executive of the nation, and sent to the people of the Territory as a man eminently capable to discharge the high and responsible duties attaching to the Governorship. If the maxim of law, nemo repente turpissi-

is sudden and strange aposcontradi tacy-if er has become so prostituted by his b iation with the meu of Kanh time that some corrective sas, ther When offensive corruption should b disinfectant-as chloride of lime-is used. Why not apply an appropriate

remedy in a case of moral defilement? If the Territory is so morally debased, (as the argument against Governor Reeder indicates,) it is our duty to purify that infant colony, and to see that it shall grow up in all those elements of moral grandeur which will qualify it to become a worthy member of this Confederacy.

The apparent inconsistency of Governor Reeder, in impeaching the integrity of a Legislature, to a majority of whose members he had granted certificates of election, may be rationally explained. He probably only saw the voters at a single election poll, and could not know what transpired elsewhere, except by testimony furnished by contestants. There is no evidence that he shrunk from the discharge of duty in any case in which allegations and proofs of illegality were produced. It is not strange that frauds should have been perpetrated, and yet the injured fail to communicate their wrongs to the Executive. The same power which struck with terror the hearts of voters would affright them from exposing the wrong doers. The same wicked ingenuity which would perpetrate frauds at the ballot-box, could use the arts of deception and falsehood in the chamber of the Executive. Admit the inconsistencies and errors charged upon Reeder, and yet it cannot be pretended that a plea of estoppel, which would conclude him, could bar the claim of people who are not even charged with any complicity in his errors. How conveniently hereafter can this novel application of the commonlaw dogma of estoppel (hitherto exclusively confined to judicial proceedings) be used to check the obliquities of legislation and legislators!

If Governor Reeder is now to be estopped from utterances and deeds conflicting with dec larations and official acts of the year 1855, then we demand that the rule shall be applied to all who have sinned, or may sin, after the similitude of his transgression. When and where, in the history of the country, was there an act consecrated more by the high solemnities of When and where was a compact more solemenly consummated, than that made by our fathers of 1820? And yet, thirty-foor years afterwards, in the year of grace, 1854, " privies in blood, and privies in estate" of one of the parties in that grave transaction, after having secured all the advantages "nominated in the bond" for their ancestors and themselves, annulled that sacred compact, and thus wrested from us the "privies in blood and privies in estate" of the other party, all the benefits of a contract, for the full and faithful performance of which, your ancestors pledged to our ancesmus-(no man suddenly becomes very base,) is tors their faith and honor. Mr. Speaker, if

anon Fel Briggs

ever there was an occasion when the doctrine by estoppel might have been pleaded with pertinency and power against any man, or any set of men, violating the sacred provisions of a contract, that was the hour. And if Governor Reeder is to be estopped. I take it the doctrine of estoppel will place the appropriate stamp upon that tragic act—the "mother of this progeny of ills." In the parodied language of the noct.

— You plucked, you ate;
The North fel! the wound, and the Union, from her seat,
Sighing through all her parts, gave signs of woe.

Without any pretensions to the spirit of prophecy, I yet predict that the day will come when many, bitterly recollecting the time of the passage of the Kansas act, will utter the language of Macbeth in the tragedy—

> "Let that pernicious hour Stand aye accursed in the calendar!"

Many gentlemen, hot with indignation at the alleged errors and perfidy of Reeder, have hurled at him the heaviest bolts of their wrath; and the distinguished gentleman from Georgia, [Mr. STEPHENS, | not now present, enrolled him, by the vivid comparison which he drew, in the same catalogue with Aaron Burr. Yes, this man Reeder, dishonored by a speculation in town lots, and by a breach of the proprieties of his high executive office, was removed, and the vacant seat of magistracy was filled by a gentleman from Ohio, who imparted special glory to his name and memory by aiding in that magnificent speculation of 1854, by which the Territories of Kansas and Nebraska were taken. not from the Indians, but from Freedom and Northern freemen. What an admirable illustration of the ancient doctrine, " casting out devils by Beelzebub, the prince of devils." [Laughter.] If Governor Reeder has been guilty of treachery, I ask by what epithet shall the conduct of his successor be characterized? I have no personal antipathy to the present Executive of Kansas, and I assail not his private character, but that act of infidelity to a betrayed constituency. Yes, sir, for that act Governor Shannon was buried deep beneath the denunciations and reproaches of an outraged people; and in that grave of oblivion would he have lain undisturbed, but for the resurrection voice of the Executive of this Confederacy.

The President, having repudiated Reeder for his land speculations, looked around for some man to fill his place; and after angling unsuccessfully elsewhere, he threw his line and bait into a stream in Ohio, and thence drew up Governor Shannon, breathed into him the breath of life, made him a living thing, and sent him into Kansas, to govern the people of that infant Territory. I have not now any unkind words for the gentlemen of the South; but I must speak boldly of the recreant men of the North. The President of the United States may clothe men who have been false to Freedom with the honors of oflice, but these cannot hide from

vision inglorious acts. Of such it may be said, as was recorded by a prophet of one who in arcient time was faithless to his trust—

"They shall not lament for him, saying, 'Ah. brother!' they shall not lament for him, saying, 'Ah, lord!' or 'Ah, his glory!' he shall be buried with the burial of an ass, drawn and cast forth beyond the gates of Jerusalem."

The metaphorical language of that declaration does not too strongly express the degradation which insulted freemen affix to perfidy. Indeed, in these latter days of degeneracy there are some who have not even exhibited the reverent spirit of that well-bred animal that Balaam That ass would not pass the angel of the Lord that stood before him, but "ran this way and that way," and would not go forward; and when Baalam smote him again and again, he turned up his eye and said: "Am not I thine ass, upon which thou hast ridden ever since I was thine unto this day?" The subservient Northern minions of Slavery at first hesitated, when the angel of Freedom stood in the way; but, spurred and whipped by their imperions riders, they obediently and patiently moved forward, without even uttering the whining cry, "Are not we thine asses?" [Laughter.]

I proceed to a consideration of the gravamen of this controversy-to the allegations contained in the majority report of the committee-that the election of March 30, 1855, was effected by invasion; that force and intimidation were practiced; that the grossest frauds were perpetrated : and that, in consequence of those illegalities, the persons then and thus elected could not constitute a legal and valid Assembly, and that all acts passed by such an Assembly are utterly void. I have no words of justification or apology for any one who participated in those wrongful acts, but am anxious, as all ought to be, that all who were sharers in the fraud, come from whatever section of the Confederacy they may, should be sharers in the condemnation.

But, Mr. Speaker, I propose to exhibit some evidence in confirmation of the representations which have been made by the majority of the committee, and tending to exhibit the necessity of an investigation. I will read to you the declarations of the St. Lonis Intelligencer as the alleged invasion of the Kansas polls:

"Actions and Stringfollow, with their Alissout follows, overwhealt and bulled them, and took the Government from their hands, alissout voice selected the present body of men, who insuit public intelligence and popular rights, by styling themselve the Legislation of Kaussas." Alm body of men are extended to the control of the control o

I quote, also, an article from the Squatter Sovereign of April 1, 1855:

"Several hundred emigrants from Kansas have just entered our city. They were preceded by the Westport and Independence brass bands. They came in at he west side of the public square, and proceeded entirely arouad in-the hands cheering us with fine music, and the emigrants with good news. Immediately following the bands were about two hundred horsemen, in regular order; following these, were one hundred fifty wagons, curriskes, They proceed to the control of the contr They report that not an Anti-Slavery man will be in the Legislature of Kansas. We have made a clean sweep."

This was written one day, and published two days after the election, at which were chosen the members of the pretended Legislature of Kansas. This needs no explanation; it is eminently significant of the character of the election of March 30. Hear a portion of an editorial article of the same paper, published August 28, 1855:

** Kassas, deprived of the aid hitherto received from her Southern allies, would prove an easy prey to these required thesess of the North flatter themselves that this can be done, we most humbly beg leave to undeceive them. We can tell the imperiment soundreis undeceive them. We can tell the impertinent scoundrels of the Tribune, that they may exhaust an ocean of ink. their Emigrant Aid Societies spend their millions and billions, their Representatives in Congress spont their heretical theories till doomsday, and his Excellency Franklin Pierce appoint Abolitionist after Free-Soiler as our Governor-yel we will continue to tar and feather, drown lynch, and hang, every white-livered Abolitionist who dares to pol-

The remark-" we will continue"-indicates that the interesting process of overawing freemen by the patriotic instrumentalities indicated had been auspiciously begun!

I read, also, an extract from a speech purporting to have been spoken by Mr. Atchison to his friends in Platte county, on the 4th of February. After describing the progress of operations with which he was connected, he savs:

"Well, what next? Why, an election for members of the Legislature to organize the Territory must be held. What did I advise you to do then? Why, meet them on their own ground, and beat them at their own game again; their own ground, and beat them at their own game again; and, cold and inclement as the weather was, I went over with a company of men. My object in going over was not to vote; I had no right to vote, unless I had distrainchised myself in Missouri. I was not within two miles of a voiting place. My object in going was not to vote, but to settle a difficulty between two of our canditates; but to settle a difficulty between two of our canditates; and the settle and the abroad, that Atchison was there with bowie-knife and revol-ver, and by God twas true. I never did go into that Terrisory-I never intend to go into that Territory, without being prepared for all such kind of cattle. Well, we beat them; and Governor Reeder gave certificates to a majority of all the members of both Houses; and then, after they were organized, as everybody will admit, they were the only competent persons to say who were and who were not members of the same."

Mr. KEITT. Where did you get that from? Mr. GALLOWAY. It comes from the New York Times, giving the full speech of General

Mr. KEITT. And I wish to say, in this connection, that that report has been contradicted.

Mr. GALLOWAY. I did not know of any authorized contradiction. My knowledge may not be so full as yours, and I do not vouch for its anthenticity. The Missouri Democrat of March 12, 1856, furnishes evidence a little more recent and conclusive on the subject, taken from the Weston Reporter:

"PRO-SLAVERY AID SOCIETY OF PLATTE.-We feel hap-"PRO-SLAVEN AID SOCIETY OF PLATE.—We feel happy in being able to announce to our readers that the age of folly has passed, and that the day of good hard practical sense is inaugurated in Weston and Platte county.

"The Self-Defensive Society has dued the death of the ridiculous, and gone to the 'momb of the Caputas,' anweyn, unknowerd, and unsuing. Peace be to its ashes!

"At a public meeting held in this place on Saturday, 10th Instant, a Pro-Slavery Emigrant Aid Society was inaugurated, and a committee appointed to obtain subscriber.

bers to the stock of the society bers to the stock of the society.

"General B. M. Hughes, of Buchanan, made a very sensible speech to the meeting, by request. He took the position that Free-Soilers and Abolitionists had a legal right 10 vote in Kansas, and that the South must beat them

at the polls by numbers.
"We note this as an evidence that light begins to shine In dark quarters. Such a declaration three months ago would have been rank Abolitionism in the eyes of the

Argus.

"He said that the policy heretofore pursued, of going up. He would never cross over to vote again. He denied that the Emigrant Aid men from Boston, who were seen in Kausas with colton umbrellas and carpet-sacks, with their hats chalked from and to Boston, were bona fide settlers. They were under contract to vote twice, and they complied with the contract, and left for home.
"We are encouraged the more in this hope, from a re-

mark which fell from General Stringfellow, which was, that he did not intend to be quite so prominent hereafter

as he had been heretofore.

"We have always contended that the wild and blind policy heretofore pursued was doing more harm than good; and we rejoice with the true friends of the cause, that the day of blinduess and folly has passed away, and that reason and good seuse rules the hour."

Sir, do not these statements and declarations strongly tend to corroborate the allegations of the committee; and do they not justify immediate and diligent inquiry? But we do not depend exclusively upon this species of evidence. Is not the fact notorious, that in April, 1855, the editor of the Luminary, published at Parkville, Missouri, had his press broken and thrown into the river, and was himself driven away by a public meeting-and for what? Not that he was an Abolitionist; but because he advocated an honest fulfilment of the previsions of the Kansas-Nebraska act, and used the power of his press to prevent his friends in Missouri from disturbing the peace and rights of the actual settlers in Kansas. Does not every man who is familiar with the character of the individuals who have gone to Kansas, from various States of this Confederacy, know that the representation is uniform and universal; that on the 30th March, 1855, there was an invasion of the polls; that the ballotboxes were taken by force; and that in some districts the number of voters was two and three-fold larger than the number enrolled by the census one month previous? With this evidence and notoriety of what transpired at the election in March, we draw the conclusion that the Legislature, elected and organized under such circumstances of force and fraud, was debanched and utterly void; that it was infected with the leprosy of fraud; that no subsequent act could eradicate its original and inherent depravity; that its enactments were but the polluted streams of a corrupt fountain; and that, by consequence, the law under which Mr. Whitfield pretends to have been elected was utterly void.

Mr. SMITH, of Virginia. Will the gentle- interesting Territorial Assembly had enacted, man allow me to ask a question here?
Mr. GALLOWAY. Certainly.

Mr. SMITH. It is just this-and I really desire to be informed-do you know the number of inhabitants returned by the census re-

Mr. GALLOWAY. I would be happy to accommodate you, and will furnish you the document containing the census enumeration.

Mr. Speaker, I present and maintain, as a prominent point, to which I invite the attention of the House, that this Kansas Legislature has, by its legislation, utterly violated the great fundamental principle of the organic act of the Territory; and hence that all its enactments contravening the constitutional law of the Territory are void. The distinguished Senator, [Mr. Douglas,] who ought to know the spirit and letter of the Kansas-Nebraska act, has, in a recent report, thus characterized that meas-

"The leading idea and fundamental principle of the Kansas-Nebraska act, as expressed in the law itself, was The law is early self-end in the law liself, was to leave the actual settlers and bona fide inhabitants of each Territory 'perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.'

These are the words expressing this "leading idea," and which may be found in the fifteenth section of the act:

" It being the true intent and meaning of this act, not to legislate Slavery into any Territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own WRY.

Now, sir, I respectfully ask that gentleman, and all in this House who concur with him in sentiment, whether that "fundamental principle" is not totally subverted by these enactments?-

"If any person print, write, introduce into, or publish, or circulate, or cause to be brought into, printed, written. published, or circulated, or shall knowingly aid or assist published, of circulated, or small knowlingly an or assist in bringing into, printing, publishing, or circulating, within this Territory, any book, paper, pamphlet, magazine, handbill, or circular, containing any statements, arguments, opinion, seniment, doctrine, advice, or inuendo. calculated to produce a disorderly, daugerous, or rebelbound disaffection among the slaves of this Territory, or to induce such slaves to escape from the service of their masters, or to reast their authority, shall be guilty of a felony, and be punished by imprisonment, at hard labor, for

ony, and be punished by imprisonment, at hard labor, for a term not less than five years. "If any free person, by speaking or writing, assert or maintain that persons have not the right to hold slaves in this Territory, or shull introduce into this Territory, print. publish, write, circulate, or cause to be introduced into this Territory, written, printed, published, or circulated. this Ferriory, writers, primers, paints or criticalists in this Territory, any book, paper, magazine, pamphlet or circular, containing any demai of the right of persons to hold slaves in this Territory, such person shall be deemed guilty of felony, and pumshed by imprisonment at hard labor for a term not less than two years."

"No person who is conscientiously opposed to holding alayes, or who does not admit the right to hold slaves in this Territory; shall sit as a juror on the trial of any prosecution for any violation of any of the sections of this uct."

These are but a portion of the infamous laws conferring freedom upon the people to regulate domestic institutions.

All will admit that matrimony is a domestic institution which the people ought to be free to regulate in "their own way." But suppose that and fervent patriot should read from the Dec-

that if any person write, print, or circulate any document containing any statement, sentiment, or innuendo, calculated to produce a dangerous or disorderly disaffection among the wives of that Territory, or should circulate any book, paper, or circular, containing a denial of the right of persons to hold wives in that Territory, and that, for the former offence, he should be imprisoned not less than five, and for the latter not less than two years-would not the unanimous judgment be, that such law-makers ought to be inmates of a lunatic asylum, instead of members of a Legislative Assembly? The people of that Territory could not build prisons large enough to hold all the felons who would make "statements and innuendoes," causing disorderly, dangerous, and rebellious disaffections among the wives, and who denied the right of persons to marry; and it would not be many years until it would be more respectable to be inside than outside of a prison. Unless Slavery is a dearer domestic institution than marriage, I cannot conceive why slaves should be protected with more tenderness and care than wives. Is the liberty of speech and of the press to be thus caricatured by civilized legis-

Mr. Speaker, how are they "perfectly free?" If you, or I, to-day, in any company in Kansas, were to express the very common, and, as we think, very reasonable sentiments, that free labor was more profitable and vastly more pleasant than slave labor, and that the people would be richer, happier, and holier, with the benefits of Freedom than with the blessings of Slavery, we would be liable to arrest; and although perfectly free, we might in a short time have the glorious experience of the perfection of our freedom within the walls of a prison—a place not usually regarded as affording the largest

Suppose some meek minister of Christianity, not fully having the fear of the law in his heart, should, whilst declaring the whole counsel of God, in a moment of unusual spiritual excite-

ment utter such scriptural sentiments as these-"Is not this the fast that I have chosen, to loose the bands of wickedness, to undo the heavy burdens, and to let the oppressed go free, and that ye break every yoke?" "Whatsoever ye would that men should do to you, do ye even so to them." Might not some "popular soverignty" Democrat, innocently suspecting that such words contained "innuendoes," at least calculated to excite "disorderly and dangerous disaffections," arrest him, and start him in the straight and narrow way to a place where he would not be so perfectly free to preach the free Gospel of "peace on earth and good will to men," if not in his own way, at least in the way prescribed by the pious legislators in Kansas?

Suppose, on the 4th of July, some patriotic

laration of Independence, "We hold these Randolph of l live, and were he to ut-truths to be self-evident, that all men are cre- ter, in the f tory of Kansas, these ated free and equal; that they are endowed with certain inalienable rights, among which are life, liberty, and the pursuit of happiness;" might not some descendant of those sires of the Revolution, who first uttered those sentiments, which then and since have been known and felt to produce disorderly and dangerous disaffections, arrest the imprudent orator, and put him in a place where he would be free to meditate

on the blessings of liberty?
"Perfectly free?" So were those victims whom the fabled robber Procrustes placed upon his iron bed. They enjoyed a free use of their legs; but, if they were not adapted to the principles of his legislation, he stretched them if they were too short, and lopped them off if they were too long, to suit the length of his law in regard to free legs. Tantalus, also, in his fabled hell, was perfectly free to eat and drink. To be sure, when he undertook to exercise his liberty of drinking, the water retreated from his lips, but yet he was free to use what he could not get. He was perfectly free to eat of the rich clusters of grapes that hung above him, but, when he attempted to seize them, the wind blew them from his grasp. So with the water of political salvation, and rich clusters of the grapes of Freedom, around and over the People of Kansas. As soon as the thirsty and hungry for Freedom attempt to eat or drink, although perfectly free to do so, they are seized and imprisoned for exercising their appetites in their own way.

Mr. Speaker, it is not many years since the thunders of the people were directed against a President and Congress of the United States, for their usurpation and arbitrary stretch of power, in causing to be enacted the memorable "sedition law." Thomas Jefferson, the great apostle of Democracy, and his disciples, have ever denounced it as a despotic violation of the liberty of speech and of the press. Yet, sir, that law, in all its alleged enormities, was not comparable with this sedition law of the Kansas Assembly. Under that odious law of 1798, one might offer the trnth in evidence in defence: under this infamous law of 1854, enacted and advocated by the same disciples of the same Democracy, this poor privilege is denied; and the "head and front of the offending" consists in uttering the great truths of Liberty.

Why, sir, if that matchless orator and matchless man, Henry Clay, were to day alive, and were to stand up. (as he only could stand) on the Territory of Kansas, and utter this sentiment, which a few years since he uttered in the

Senate Hall-

thoughts, once good ed on this floor-

"(S) or how milemen, not only from the Northern but for m Sutes, who think that the Northern but for m Sutes, who think that the Constitution has vanily attempted to blink by no using the term, should never be brought into public notice, more especially into that of Congress, and most especially here. especially mitutated Congress, and most especially field.
Sir, with every due respect for the gentlemen who think so, I differ from them toto coto. Sir, it is a thing which cannot be hid. It is not a dry rot, that you can cover with the earpet until the house tumbles about your ears. You might as well try to hide a volcano in full operation-it cannot be hid-it is a cancer in your face, and must be treated secundum arum".

-how certain and severe would be his condemnation. Why, we Black Republicans could not begin to imitate and utter such thrilling thoughts and burning words, and so eminently calculated to excite disorderly and danderous disaffections-certainly such fanaticism would send him to the felon's cell.

Hear the language used by Randolph of Albemarle, the grandson of Thomas Jefferson, in Richmond, Virginia, in 1832:

"How can an honorable man, a patriot, and a lover of his country, bear to see this ancient Dominion, rendered illustrious by the noble devotion and patriotism of her sous in the cause of Liberty, converted into one grand menagerie where meu are to be reared for market, like oxen in the shambles?

There would have been no escape for him. The "old apostle of Democracy" must have indoctrinated him with some of his fanatical notions. His language sounds like that attered by a Black Republican-only it is a little blacker [Laughter.] than any of us use.

Hear what other fanatics of "the Old Dominion" uttered on the same occasion. Mr.

Rives, of Campbell, said:

"On the multiplied and desolating evils of Slavery he was not disposed to say much. The curse and deteriora-ting consequence were within the observation and experience of the members o' the House and the people of Vir-ginia, and it did seem to him that there could not be two opinions about it."

Mr. Powell said:

"I can scarcely persuade myself that there is a solitary gentleman in this House who will not readily admit that Slavery is an evil, and that its removel, if practicable, is a consummation most devoutly to be wished. I have not heard, nor do I expect to hear, a voice raised in this Hall to the contrary.

Mr. Preston said :

"Sir, Mr Jefferson, whose hand drew the preamble to the bill of rights, has eloquently remarked that we had in-voked for ourselves the benefit of a principle which we had denied to others. He saw and telt that slaves, as men, were embraced within this principle."

Mr. Summers, of Kanawha, said:

"But, sir, the evils of this system caused be enumerated. It were unnecessary to attempt it. They glare upon us at every step. When the owner looks to his wasted estate, he knows and feels them."

Mr. Chandler, of Norfolk, said:

"It is admitted by all who have addressed this House, that Slavery is a curse, and an increasing one. That it has been destructive to the lives of our citizens, history, with unerring truth, will record. That its future increase will create commotion, cannot be doubted."

Mr. Thomas Marshall, of Fauquier, said:

"Wherefore, then, object to Slavery? Because it is ruinous to the whites, retards improvement, roots out an industrious population, banishes the yeomanry, deprives

[&]quot;I repeat that I never can, and never will, vote-and no earthly power will make me vote-to spread Slavery over torritory where it does not exist "-

⁻for such a sentiment, that Prince among the people would be made a prisoner among de-based felons. Were the eccentric and eloquent

the spinner, the weaver, the smith, the shoemaker, the carpenter, of en ployment and support," &c.

Mr. James McDowel, jr., of Rockbridge, said: "Who, sir, that looks at this property as a legislance, and marks its effects upon in national as a legislance, and marks its effects upon in national services of the second of patrimosites? Who, but looks to this unhappy bendage of our unhappy people, in the midst of our society, and thinks of its incidents and its issues, but weeps over it as a curse upon him who inflicts as upon him who suffer?"

Suppose the Legislature of Virginia should have passed an act similar to that of Kansas? Is there a noble Virginian-and they cannot be other than noble, descended from such noble ancestors, who uttered such thrilling sentiments of truth-who would not have exerted the energies which God has given him for the purpose of ejecting such apostates from the faith of their fathers from the Old Dominion? Certainly there are none such among the living. the sentiments expressed by these men were uttered in Kansas, thay would send their unfortunate authors to the cells of criminals. Ah, Mr. Speaker, can it be that any man is so stultified as to presume, for one moment, that such infamous legislation is in accordance with the fundamental principle, the "leading idea," of the Kansas-Nebraska act-that men are to be, not tree only, but perfectly free, to regulate their domestic institutions in their own way?

I will not consume the time of the House with further quotations from the sayings of the distinguished dead and honored living. Everybody knows that the language I have read is such as was used by the noble men of our Republic in every section of our Confederacy twenty years ago; yet, in Kansas, this day, all those men, for the utterance of such sentiments, would be branded with infamy! And, can it be that the National Legislature will tolerate men who thus tarnish the fair fame of their fathers, and violate the spirit and letter of our charter of rights? Will the North submit to it? Never. With the poet, we can fervently say:

"Is this the land our fathers loved? The freedom which they fought to win? Is this the soil they trod upon? Are these the graves they slumber in? Are the the graves they slumber in? Are we the sons by whom are borne. The manules which the dead have worn? The manules which the dead have worn? With craven soul and retired By Yoked in with marked and branded shvos.

And tremble at the master's whip?
No! by their enlarging soils, which burst.
The bands and fetters round them set;
By the free pilgrim-spirit nursed
Within our tumost bosoms—yet
By all above, around, below;
Be ours the indignant answer—No!

Never will this free American people, who have drawn their life-blood and the essence of their glorious institutions from the noblest men God ever made—never can they submit to such tyrenny in this nineteenth century. Mr. Speaker, if this organic act of the Territory was violated by the Territorial Legislature—if that Assembly was debauched by invasion and fraud, perpetrated on the day of the election, or by subsequent illegal acts—what is the remedy? The remedy is obvious.

What has been the uniform practice of our Government in regard to the Territories? In every other Territorial act prior to the Kansas-Nebraska act, there was contained the provision that the laws of the Territory should be submitted to Congress, and if disapproved, be declared null and void. That asserted power embraced the remedy. If that salutary provision was unintentionally or designedly omitted in the Kansas act, does that omission diminish the power of Congress, or change the settled practice and law of the country? Will any one contend that Congress had no power of this kind until each Territorial organic law was enacted; and that the power was new-born with the birth of each act? No man can stultify himself by adopting such an absurdity. The remedial power yet remains where the framers of the Constitution placed it-it is in Congress-it exists, to a certain extent, in this House.

We cannot, by our separate action, reach the root of this wide-spreading tree of wrong and iniquity in Kansas; but we can lop off a branch of that same tree, protruding into this House in the person of General Whitfield. If we cannot strike the axe at the root of the tree, we can withhold the nutritive sap, without which its vigor will decline, and thus at least partially teach the wrong-doers in Kansas that the "way of the transgressor is hard," and that justice, although it may linger, will yet have free course, and be glorified in the triumph of Law and ORDER.

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SPEECH

OF

HON. J. R. GIDDINGS, OF OHIO,

ON THE

BILL ORGANIZING TERRITORIAL GOVERNMENTS

IN

KANSAS AND NEBRASKA,

IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION, MAY 17, 1954.

Mr. Chairman: The long-pending contest between Liberty and Oppression, under this Government, is rapidly approximating a distinct issue. This consideration renders the days in which we live, the scenes which are transpiring in this Hall, important, indeed, historic, in their character. I look upon them with deep interest—with peculiar emotions. I have long watched the progress of the great question of humanity, now so suddenly precipitated upon us; and I tender my thanks to those who have forced us into a discussion of the great and fundamental principles on which our political fabric has been reared.

And now, sir, what is the question before us? In the far West, midway between the two great oceans which bound our Republic, is a vast and fertile Territory. Its eastern border is washed by the American "Nile," and its western terminus is on the lofty peaks amid the perennial snows of the Rocky Mountains. Latitudinally it extends from the parallel of 36° 36° to the British posses-

sions on the north.

Long since, our predecessors consecrated this immense Territory to Freedom. More than a generation has passed away since they proclaimed that from it "Slavery and involuntary servitude be, and the same is hereby, FOREYER prohibited." That dedication was just and right. It was in accordance with God's "higher law." It is right, and just, and proper, now, and will remain so white a God of justice shall rule the destiny of nations. It was then binding and obligatory upon all men in all places, is so now, and will remain so in all coming time.

I am not about to argue the propriety or the constitutionality of the other portion of that compromise, which rendered up Missouri to the curse of Blavery. That surrender was wrong of itself, wajust, opposed to the dictates of our consciences, to God's law, and to the rights of mankind. It remains unjust and criminal, and will continue so eternally. No time can change it; no argument, no sophistry, can modify it. The Northern men

who voted for it were rejected by their constituents, and some of them hanged and burned in effigy. But the transaction was perfected and placed beyond recal. It passed into history, and no Northern man, nor statesman, nor jurist, has, by bill, resolution, or speech, denied its force or attempted its repeal. And when gentlemen charge the North with seeking its repeal, or denying its force, they presume too much upon our forbearance.

To this period we have regarded that extensive region as the home of freemen. For more than one-third of a century it has stood like the "bow of promise" in the political heavens, giving assurance that the waves of oppression should never spread over it. Now, sir, we are asked to repeal this prohibition of Slavery, and permit

human servitude to curse its soil.

But, before I go further, I propose to define, so far as I can, the institution which is now sought to be extended into that beautiful region: yet there is in our language no terms by which it can be properly characterized. The best definition I have seen, is that given by a distinguished Southern jurist, Judge Ruffin, of North Carolina, who, on a case which came before him, said: "A slave is one doomed in his own person and posterily, to live without knowledge, to toil that another may receive the fruits of his labor. The end is the profit of the master; the means, the perfect subjection of the slaws."

The first process is to rob the slave of his intellect; to shut out from his mind the hope of eternal felicity; seal up the scriptures of truth; draw an impenetrable veil between him and the Gospel; keep from him all knowledge of the duties he owes to himself, his wife, his children, his God; commence the operation in his childhood; dwarf his infant mind; prevent it from all expansion, as he increases in years; render his body a machine, as far as possible, without a soul. In short, rob him of his manhood. This crime is the most aggravated offence that we are capable of

extent on every slave; daily and hourly, from his birth to his death, he is deprived of knowledge; and when he enters the future state, he does so with a mind rendered sterile, unsuited and unprepared for future life. The crime committed against him reaches into eternity-is carried to

the bar of Omnipotence.

The slave must "toil that another may reap the fruits of his labor." He is robbed of his labor, from childhood to his grave. Every year, every month, every week, every day, and every hour, he is robbed of his earnings; though he toil under the lash, the avails of his labor go to enrich his despotic owner. His wife is at all times liable to be sold from him; his children handed over like swine to the slave-dealer; and himself transferred from owner to owner, like the brutes

that perish.

"The end," or object, says the judge, "is the profit of the master; the means, the perfect sub-jection of the slave." The master flogs him at pleasure. Scourges him, and renders him perfectly-subject to his own will. To this insult the slave must submit. If, in obedience to the first law of nature, he resist, the master may slav him on the spot. If he run from the master's brutality, the master may shoot him as he would a dog. case to which I referred is a good illustration of this point. A female slave had done some slight wrong. Her master attempted to flog her. She ran from him, and he shot her. The master was indicted, and the Judge, in obedience to the law of Slavery, but against his own feelings, which revolted at the proposition, decided that it was the duty of the woman to have submitted to her owner's barbarity; and as she ran from him, he had a right to shoot her.

Will Northern members vote to legislate such murders, such barbarous practices, into Nebraska? Let them answer to God and their constit-

But the ead, the object, of Slavery, is the profit of the master. To render that greater, he may work the slave to the farthest point of endurance; or he may sell him, to be sent to our American Golgotha, where an early death awaits him

We all recollect the case of a man, his wife, and child, imprisoned in Covington, Kentucky, some two or three years since, intended for the Southern market. In their lonely dungeon, with no eye upon them but that of God, they contemplated the miseries to which they and their infant were doomed. They preferred death to the slave market. They first murdered the child of their affections, and then, laying violent hands on their uwn persons, put an end to their earthly existence, and rushed to the presence of their final Judge, and there made an appeal against this institution that we are called on to extend into

Will Northern members vote for such a proposition? Will they bathe their hands in the blood of innocence; participate in "crimes which smell to Heaven," and call for vengeance on this guilty

Mr. McNAIR, (interrupting.) In the event that Slavery should never be carried to Nebras-

conceiving. It is perpetrated to a greater or less | ka, what will become of the speech of the gentleman from Ohio?

I answer, that those North-Mr. GIDDINGS. ern members who vote for the bill, will, in such event, be stultified on the record. They will have voted to permit these crimes to be committed. They will have incurred the moral guilt and the disgrace of consenting and aiding the commission of these crimes, although the slaveholders should shrink from consummating them, and mankind prove better than gentlemen now think them to be. [Laughter.]

But, I was describing the institution of Slavery, which we are solicited to extend into the Territory in question, and I do not wonder that my friend starts back with affright at the revoltlng spectacle. Humanity shudders as she contemplates the horrid barbarities of that institution, and Christianity hides her face as she beholds its iniquities; yet, sir, we are asked to repeal the law which prohibits its existence in Nebraska. Will Northern members vote for it? Will my friend from Pennsylvania [Mr. McNath] vote for it?

The illustrations which I have cited are from slave States; cases of public notoriety; reported through the press; never contradicted; and gentlemen will permit me to give one more case, reported through the public press of Mississippi, received as true, and never, to my knowledge, doubted or denied. If. however, any error has occurred in the report, I see gentlemen from that

Stace present, who will correct it.

A planter was afflicted with a loathsome disease. So offensive were his ulcers, that he was deserted by his white friends; and while thus afflicted and forsaken, a girl whom he owned as a slave kindly and patiently waited upon him, dressed his ulcers, cleansed his person, nursed him, and watched over him until he eventually recovered. With gratitude and affection to his benefactress, he took her to Cincinnati, in our State, executed a deed of manumission, had it recorded, returned to Mississippi, and there married her in legal form. They lived together affectionately for many years; reared a family of children; and, as he lay upon his death-bed, by will he divided his property between his wife and children. His friends. I think his brothers, hearing of his death, came forward and demanded the property. The widow and children were indignant at the demand. They, too, were seized, and the validity of that marriage and will was tried before Judge Sharkey, of that State, who decided that the whole matter was a fraud upon the law of Slavery; that the property belonged to the collateral heirs. His widow was sold by the surviving brothers, the children were bid off at public auction, and both mother and children now toil in chains, or sleep in servile

Gentlemen of the free States: Are you prepared to give your voice in favor of permitting such outrages upon humanity in Nebraska? Let those Northern members who sustain this proposition stand forth before the world, and avow their infidelity to freedom. Let them say boldly that they are willing to assume the infamy of consenting to the perpetration of such |

iniquities.

These cases are merely specimens of what continually occurs in slaveholding communities. But they show that Slavery is the legalization of every crime known in the catalogue of offences. Yet no language can convey a correct idea of its atrocity. That is beyond description. It arose in a barbarous age, and has come down to us attended with the crimes of a darker period of the

As already observed, it is excluded by the act of 1820 from this Territory. It cannot be carried there without the consent, without the votes of Northern Representatives. No argument, no sophistry, no evasion, can avoid this obvious fact. To vote for the repeal of the Missouri compromise. is to vote for the abolition of Freedom, and in favor of permitting these crimes in Nebraska. will involve those who vote for it in all the guilt attending that institution. It will be in vain for gentlemen to say they leave the people of Nebraska to commit the crime if they choose! If you, gentlemen, stand by, and consent that your fellow man may, if he choose, commit murder, you will be hanged with him. You will deserve the same fate he receives. If you consent that slave markets shall be opened up in that Territory; that men shall there be bought and sold, robbed of their toil, their intellects brutalized, shot down and murdered; if you vote to repeal this Missouri prohibition for the very purpose of enabling others to commit these offences, will you be less guilty before Heaven than those by whose hands these murders and other crimes are committed? Will not the blood of these victims stain your garments?

The gentleman from New Hampshire, [Mr. HIBBARD, I thought, spoke feelingly of the people for having hanged in effigy the Northern members of Congress who consented to spread the curse of human bondage over Missouri, and also of those who now hang in effigy members of the Senate who labor to spread these God-defying crimes over that Territory. Now, sir, I am willing that the people shall act as their judgments dictate in such matters. Of the propriety of such symbolical executions, they are the proper If a member here does that which judges. the people think compares in moral guilt with legal murder, let them pass sentence, and, if they please, typify the execution by hanging the man in effigy, provided they do not violate the public peace.

The gentleman spoke of the clergy in terms of strong condemnation, for their labors to prevent the consummation of this great iniquity. I shall not stop here to defend those clergymen. The blow was aimed at the doctrine of holding us responsible for our official conduct. It was aimed at religion, at God's "higher law," so often denied in the other end of the Capitol and in this Hall; so often sneered at and ridiculed by gentlemen who vote to legalize crimes revolting to our na-Had the clergy of New England and other portions of the country omitted to do all in their power to prevent the consummation of this iniquitous bill, they would have shown themselves

unworthy of their profession. We should have regarded them as "moral cowards," apostates from that gospel whose Divine Author offered up his

life for the promulgation of truth. We are told here, and in the other end of the Capitol, that the clergy should attend to their flocks; that they should not interfere in politics; that religion and politics are separate matters. The argument is worthy of the occasion. It is perfectly natural that men should endeavor to shield themselves from exposure. But I ask: Is it possible that, in this age, enlightened statesmen can suppose themselves shielded from moral and religious responsibility while acting here? Do they flatter themselves that their actions are hidden from the Searcher of all hearts? Do they regard themselves less guilty in the sight of Heaven, when they vote to permit the people of Nebraska to sell men and women, than they would be, were they to go there themselves and deal in human flesh? If they vote to permitmen in Nebraska to scourge and brutalize our fellow beings, are not such members as really tyrants at heart as Nero or Nicholas? If they vote to allow men in Nebraska to shoot down and murder their slaves, are such members less guilty than those wretches who expiate less aggravated crimes npon the gal-

I repeat, that Slavery is now prohibited in Nebraska, and if it be extended into that Territory, it must be by aid of Northern votes, given by men who intervene for the purpose of repealing the prohibition of 1820. No subtle logic, no vague pretences, can excuse members from this responsibility. The record of our votes will go down to those who succeed us; our children will read it with pride or with shame.

Yet, sir, we are told that the President has warmly espoused the policy of extending Slavery into Nebraska. The Senate, by a large majority, have passed the bill before us. All the Southern members of this body, aided by Northern serviles, are in favor of it. I said all the Southern members are in favor of it. I was in error. There are a few honorable exceptions-men who, in my humble judgment, possess the foresight and judgment of statesmen. They appear to foresee the evils which the passage of this bill will bring upon the Territory.

But, Mr. Chairman, as if effrontery had no limits, we are gravely told that it is unconstitutional thus to exclude Slavery from this Territory! I, sir, shall not occupy the time of this House to vindicate Monroe, and Calhonn, and Adams, and Wirt, and Clay, and all the venerable statesmen who approved this measure, from the charge of stupidity and ignorance now brought against them by ephemeral politicians.

Sir, to argue the unconstitutionality of the consecration of this Territory to Freedom, is an imputation upon the intelligence of the founders of our Republic, as well as upon the intelligence of the people. The framers of the Ordinance of 1787 had no scruples on this subject. They recognised the duty of Governments to protect the liberties of the people. The preamble to that Ordinance says:

" And for extending the fundamental principles of

These doctrines are now denied. Slavery is declared by statesmen of this day to constitute the basis on which "all laws, constitutions, and governments, which hereafter shall be formed

in Nebraska ought to rest."

But, sir, this is a new discovery. At the last session of Congress, a bill to organize a Govern-ment in this Territory was reported from the Committee on Territories. When it came up for discussion, an honorable member from Pennsylvania [John W. Howe] called on me, as a member of that committee, to state why a special proviso had not been inserted in the bill, excluding Slavery. In reply, I read the eighth section of the act of 1820, and stated that that law excluded Slavery from the Territory in question, and that its re-enactment would give it no greater validity than it then possessed. This, sir, was done openly, publicly, before the House. No one denied my doctrines, none doubted my correct-All admitted the accuracy of my statement by their silent acquiescence; and the bill passed this body, I think, by a majority of more than two-thirds. But now they have suddenly become zealous to preserve the Constitution, by repealing this law of 1820. What new light has fallen upon them? What new views of constitutio. al law have they received? Where were those views obtained? Sir, I regard this pretence a sheer deception, an attempt to mislead the people. who will so regard it.

We are also told that the consummation of this outrage will quiet agitation, and settle the slave question forever. Gentlemen admit that its introduction has caused a deeper and more intense feeling in the free States than has ever before been manifested; yet, they urge that its consum-mation will satisfy the popular mind. Now, sir, I cannot, and will not, argue this point with gentlemen who entertain such contempt of the popular intelligence. For twenty years, this House

has endeavored to silence agitation among the people, by legislation for slavery.

When they sent us their respectful petitions, we threw them back in their faces, and closed our doors against that constitutional right of the people. We next struck down the freedom of debate; and as the people became more and more aroused to the assertion and agitation of their rights, we adopted gag-rules, arraigned members like felons at the bar of the House, for daring to assert our constitutional obligations. As the people still moved in favor of liberty, we legislated more intensely for Slavery, in order to silence agitation. In 1850, we passed the most corrupt laws which ever disgraced a free Government, to silence agitation. I refer to the Fugitive Slave aw, under which so much blood has been shed. Yet, sir, agitation increased; and your Baltimore platforms were adopted, and both of the great po-litical parties pledged themselves solemnly "to resist and deprecate all agitation of the slave for oppression, for anything, if thereby they can

question, here and elsewhere, in Congress and out of it." Yet, the people became more and more engaged for freedom; and now the advocates of oppression tell us, if we will but pass this bill, consummate this greatest indignity upon humanity, upon freedom, upon the Constitution, that has ever been committed, the people will feel themselves sufficiently reproved, and, like the fawning spaniel, will crouch at our feet.

Sir, I repel the foul slander. I feel indignant at the proposition. It is a libel upon the people of the free States. Who are we? The servants of the people; created by their breath; sent here to do their will; and when they summon us, we snrrender our political existence. Yet, sir, we are told that we must play the tyrant, to silence the popular voice. Sir, you may as well attempt to tear the snn from the heavens, or to dam up Niagara's mighty torrent with your fingers. The people will govern us, will silence our agitation, but we shall never control agitation among them,

except by doing our duty-by obeying their will. Mr. Chairman, who does not know that the Southern and servile presses are already proclaiming, that when this bill shall have been passed, Slavery shall next be admitted into Minnesota, Washington, and Oregon? Who does not know that the President and Cabinet are laboring to prepare the public mind for a war upon Spain, with the undisguised purpose of maintaining Slavery in Cuba?-that they are prepared to sacrifice the lives of our citizens by thousands, in order to stay the progress of civilization in that island?-that the whole Administration press of the country sustains these Executive views?that Southern papers insist that we shall also conquer St. Domingo, and restore Slavery there; then form an alliance with slaveholding Brazil, as the only nation, besides ours, that legalizes the crimes attendant upon the "peculiar institution?"-that we shall then restore the African slave trade, and thus disgrace our Government, and sink it to a piratical power for propagating pression and crime?

While these plans are put forth through the public press, we are constrained to listen to exhortations to pass this bill, in order to silence agitation, again to cheat Northern men with false pretences. Sir, these efforts to defeat the objects, the ulterior designs, of those who founded this Republic, to overthrow our Constitution and trample upon the principles of humanity and justice, is a gross, flagrant, and unqualified attempt at revolution. It is treason to humanity, treason to liberty, treason to the Constitution. Yet, all this is doing under the disguise of attempting to silence agitation, again to render us dupes of the slave power. We know from official messages that the President is desirous of entering upon such a war with Spain; that he is willing to sacrifice the lives of thousands of our own people, to stay the progress of freedom under a foreign Government. He is prepared to offer up hecatombs of his countrymen, to maintain oppression

and crime in other lands. Nor are his abettors less guilty. I refer to those "Swiss guards," who are ever ready to fight

obtain Executive favors. I know of no worse | braska to legislate for ten thousand who are to enemies to freedom, none more unfriendly or dangerous to free institutions. They are worse traitors to liberty than were the Tories of the Revolution; and the time is not far distant when they will be so branded by popular sentiment. Pass this bill; commence your war with Spain; sacrifice the commerce of the free States to the cause of Slavery in Cuba; send your army and navy there; let our men be shot down by emancipated slaves, and then tell me I have overestimated the Northern spirit. If the avowed designs of the President be carried forward, we shall not wait long to witness bloodshed in our own country. Indeed, we have seen that, under the compromise acts of 1850. But the excitement arising from the question before us has rendered it impossible to execute the Fugitive Slave Law in the northern portions of the free States. At this moment, I do not believe the whole army of the nation could execute that law in Northern Ohio. Sir, it is notorious, that people already bid defiance to your laws and your power. They look upon Congress with suspicion; and woe be to the public men who, in such an hour as this, shall betray this Government into a barbarous and piratical war for maintaining and extending human bondage. The remedy for these things rests with the people of the North. They must commence the work by passing sentence, and by the political execution of the entire genus called DOUGHFACES. Then, agitation may cease.

We are also told that this prohibition of Slavery interferes with the right of the people to "govern themselves." In other words, the logic of those who advocate this measure amounts to this: that "self-government" includes the privilege of buying, selling, flogging, and robbing, such men and women as they can subject to their power. They do not include under the term "people," those who have been so unfortunate as to be born of mothers who have been enslaved. If their fathers were the first men in the State of Virginia, if they themselves possess intellects far superior to our own, yet slaveholders and doughfaces deny that they possess any rights. They are not to be called "people." They insist that such persons have no right to participate in the privilege of "self-government," nor of " self-protection." Sir, the very object of this prohibition was to secure to all the people who go to Nebraska the enjoyment of "equal rights;" and on this account, and no other, do gentlemen seek to repeal it. The member who votes for this bill will thereby exhibit his hatred

of "popular sovereignty," of "equal laws."

As remarked, the Congress of 1787 adopted an Ordinance for the government of the Northwest Territory. There were, at that time, perhaps less than fifty electors resident there, probably about the same number now in Nebraska. Yet these few required protection. Congress was bound to give it, as we are now. They legislated, however, as much for those who were expected to go into the Territory after the adoption of the Ordihance as for those then settled there. So do we. coats of mail, or swords, or spears. Protected It would not be right for fifty men now in Ne- by just and enlightened laws, each man may sit

go there next year. That would not be giving the ten thousand equal privileges with those now there. We give them a Legislature, with authority to pass certain laws not incompatible with the laws of the United States. We then extend over them the law to prohibit murder. While the friends of this bill are proclaiming here and through all their presses the doctrine of "non-in ervention," we expressly intervene to prohibit larceny; we intervene to prohibit robbery and all other crimes, unless committed under the law of Slavery. The law of 1820 prohibits the commission of those crimes also. prohibition we are called on to repeal, under pretence of "non-intervention."

Why, sir, this bill commences, continues, and closes, with intervention. It is itself one continned series of interventions. It authorizes the President to appoint a Governor and judges for the Territory, and yet its advocates proclaim "non-intervention," the right of "self-government," as the grand distinguishing features of the bill. It prohibits the Legislature from passing any laws affecting the rights of property or of persons pertaining to the Indians. It estab-lishes the "per diem" of the members at precisely three dollars, but does not permit them to estimate the value of their own services. This, too, is called "non-intervention." The bill establishes the salaries of the judges and other officers, but will not permit the people to do it. Yet its advocates proclaim themselves the peculiar friends of "POPULAR SOVEREIGNTY." It goes further, and under the clamor of "nonintervention," of popular sovereignty, it prohibits the Legislature from taxing the land of non-residents beyond the amount levied on their own. But its next "intervention" is to repeal the prohibition of Slavery, in order that a portion of the people may hold in bondage such persons, either black or white, as the Legislature may see fit to enslave.

It has ever been, and is now, the plain and obvious duty of all Governments to intervene to the full extent of all their just powers for the protection of mankind from oppression, injustice, and crime.

The whole eternity of the past has brought to us no instruction more important than this duty of Governments. In the darker periods of man's existence, brute force constituted his only safety. Go to the continent of Europe; visit the ancient castles, erected at a period when moral and political darkness covered the world. Those frowning towers were erected at immense expense, for the purpose of protecting their inmates from violence. They tell us of a period when right was maintained by physical means, by massive walls, by coats of mail, by the sword, and by the lance. These were confided in as the only protection of their owners. Those mighty fortresses are now deserted; dilapidation and ruin mark the crumbling masses. The light of civilization taught mankind that reason, "just and equal laws," are more powerful than granite walls, than be none to molest or make him afraid. .

Sir, I repeat, it is this safety, this protection to each and every individual, which constitutes the object, the end, and design, of all Governments. Nor is this duty confined to Governments; it attaches to individuals. Wherever I am, if I see my fellow man, who is weak, beset by the strong, either for the purpose of robbery, revenge, or murder, it becomes my duty to protect him, so far as I can safely do so. The moral duty continues far beyond the reach of municipal law. I am morally bound to protect my fellow man, if in my power, from accident, from wild beasts, from storm and tempest, from cold and hunger, aye, from the machinations of slaveholders and doughfaces, from petty despots, and from those who would play the tyrant over him. But the Senate, by passing the bill before us, has clearly denied that this duty of protection extends to the people of that Territory. A portion of this hody, and I think a majority, agree with the Senate. It is also said, on all sides, that the President and Cabinet unite in the opinion that "non-intervention" shall be the policy of this Government. I therefore arrive at the conclusion, that if this bill becomes a law, Congress will not protect the weak and oppressed who shall hereafter reside there. On the contrary, the bill in distinct language repeals the law which now protects them, and leaves a portion of the people who shall go there, to oppress and enslave another portion, if they choose to do

Now, sir, if Congress refuses such protection, by adopting the policy of "NON-INTERVENTION," it will leave to the slaves there the right and the duty to protect themselves. It will be the duty of other men, to the extent of their power, to aid them in the laudable work of protecting their

lives and liberties.

The thousands of American citizens, of Germans, of French, of English, of Scotch, and Irish, who have come to this country to enjoy a free Government and "equal laws," will sympathize with the oppressed; and as they go to Nebraska and Kansas, by thousands and tens of thousands, let them go with arms in their hands. I would from this forum speak to them as one who is in earnest on this subject; one who deeply feels the dishonor which this bill will bring upon our country. I would say to them, Go there, prepared to defend the democratic principle of "equal laws," of "protection to all;" go there, recognising the great truth that "all men are endowed by their Creator with the inalienable right to life, liberty, and happinsss;" go there, determined to make it a free land; determined that you will not associate with slaves, nor with slaveholders; that you repudiate every tyrant, every oppressor. Tell the slave who comes there, his rights; teach him his obligations to himself; put arms into his hands; instruct him in their use, and the best mode of protecting himself. Tell him that "nonintervention" is the policy of Congress. Were I a resident of that Territory, and slaves were held in bondage around me, I would do by them as I

under his own vine and fig-tree, and there will | dition. I would supply them with arms, and teach them to use all the means which God and nature has placed within their control to maintain their freedom and their manhood.

Again, Mr. Chairman, I feel some desire to ex-Dose the statesmanship of this Administration. They have openly adopted the policy of "NONTENVENTION;" they have tied their hands, and when the Americans, and Germans, and French, and English, who emigrate to Nebraska and Kansas, shall put arms into the hands of the slaves, and the colored men shall drive back the slaveholders, killing some and frightening others, we shall have exclamations of horror from Southern members, and from the President, calling for an army to put down the civil war which will then be going on. But, sir, do you not think that one general, united exclamation of "non-intervention" will then come from the North? Will they not hold the chalice, which you have prepared, to slaveholding lips? Will they not hold you to your present policy?

Southern gentlemen complain of this prohibition also, for the reason, as they say, that it precludes them from carrying their property (meaning slaves) into the Territory. I can half excuse Southern members for thus attempting to degrade the likeness of God to the level of swine. They are bred up to the practice of calling men and women "property." It sounds less harshly than slave. But we can find no such excuse for Northcrn members who designate their fellow men by

the term property.

He who bestowed on us his own image, demands that we shall maintain the dignity of our race. If we revere God, we must respect his image. Man in his rudest state has ever refused to become the property of his brother. In no age, in no clime, has man peacefully surrendered himself to become the property of his fellow man. No people have yet been found so low in the scale of moral being as to omit defending their lives and their liberties when in their power to do so. To call men property is a libel upon ourselves. framers of our Constitution rejected such abuse of language. Mr. Madison said it would be wrong to admit in the Constitution "that man could hold property in man."

We are charitably bound to believe gentlemen acquainted with facts so familiar to us all. It is true, however, that one gentleman attempted to argue the point, and said we could not tell the origin of property in brutes. It was evident his knowledge of Scripture was limited. Had he read his Bible more carefully, he would have learned that, early in the history of our race, " God gave to man dominion over the fish of the sea, and over the fowl of the air, and over all the beasts of the field." But, Mr. Chairman, he never gave man dominion over his fellow man. He created us in His own image; and God, and man, and nature, must abhor these attempts to degrade that form to the level of the beasts of the field.

But perhaps the views of gentlemer ought not to be commented on with too much severity. For, if reports be true, some of these members have sold themselves, at prices, perhaps, below would have them do by me, were I in their con- that often paid for Southern negroes. I could tell measure; some quite as sudden, if not as miraculous, as that of St. Paul. / But I prefer to withhold names until the vote shall be given, and the Executive appointment made. These names will then be published. I speak of it at this time, that Northern members who vote for this bill may understand that the eye of the public is upon them. it is time that this slave trade now carried on in the bodies of members of Congress should be prohibited.

Why, sir, for the first time in the history of our Government, the President has come out through the columns of his organ, the "Union," of this city, and advertised for the purchase of members of Congress. I refer to an article in that paper some weeks since, stating, in substance, that if Northern members, by sustaining this bill, incurred the displeasure of their constituents, the President would sustain them by Executive favors. This was the substance of a long article, in which Executive appointments were unblushingly tendered, through the public press, to buy up Northern doughfaces; to purchase the very men who now designate their fellow men as "property." I do not wonder that they entertain low opinions of mankind, and term their brethren "property." But they should remember that no colored man ever degraded his race by selling himself!

Sir, I feel humbled as an American, when I reflect upon this disgraceful practice, now so openly followed, of buying up members by the assurence of Executive favors. Without such resort, no man would expect this bill to succeed. It is moral bribery. The guilt is as great, aye, greater, than it would be if both parties were subjected to punishment under municipal laws. Standing, as we do, in high official stations, no State or municipal law can punish these corruptions. We are therefore responsible only to the people and to God. Their eyes, however, are upon us, and their judgment cannot be evaded.

Again, Mr. Chairman, we are told that this prohibition of Slavery marks the slaveholding portion of this Union as lower in their moral sentiments, and inferior to the people of the free States in their sense of justice and their duties to mankind.

Gentlemen of the South must know, the civilized world must know, that we do regard slaveholders far beneath the advocates of Freedom, in their sense of moral obligations. Why, sir, the institution has been discarded from the free States solely on account of its barbarous character. For the same reason, it was repudiated by England, by France, and by nearly all the civilized world. Indeed, the semi-barbarians of Tunis, of Egypt, and other Mahometan Governments have repudiated it. The exercise of power by one man over another, the flogging of who participate in such wickedness.

cases, officially reported, where the slaveholder | ed, throughout that immense country?

of some rare conversions to the support of this / often inherits, and sells as slaves, the children of his brother. Often he inherits and sells as slaves the children of his father. And popular judgment has been in great error if men in this city, almost under the shadow of our Capitol, have not perpetrated still greater outrages on public morals. These crimes are all legalized by the law of Slavery, and no slaveholding community is protected from

> To surrender this vast Territory to Slavery, will exclude free men from it; for, as I have said, free laborers, bred up with feelings of self-respect, cannot and will not mingle with slaves. For these reasons, it is most obvious that the character of the States to be carved out of this Territory will be determined by that of the Government now to be established. If the Territory be settled by slaveholders, the States will of course be slaveholding States. When admitted as such, they will hold an influence in this Government according to the number of their slaves; and the man who goes there with five slaves will add to the influence of his State in the Federal Government, as much as four of our educated and intelligent freemen of the North. The petty despot who holds in bondage, in ignorance, in brutal stupidity, one hundred of his fellow beings, will wield as much influence as sixty-one of our Northern freemen. Are gentlemen willing thus to bring down their constituents to the level of slaves? Are they elected here by men deserving such moral and political degradation? It is said, however, that if the slaves were free, they would increase the apportionment of Representatives; and the number of members of Congress, from the States holding slaves, would be greater than it now is. That is true; but in such case, the Representatives would exert their influence in favor of Freedom, and not of Slavery. Their objects and ours would be the same-the elevation of man, and the progress of Liberty. But let them represent slaveholding constituencies, and they will, to the extent of their power, legislate for Slavery, and against Liberty. Mr. Chairman, it has become obvious to all,

that these conflicting institutions of Freedom and Slavery cannot flonrish together under the same Government. They can never be reconciled. They ever have been, they are now, and ever will be, at war with each other. Virtue and crime will not commingle; Heaven and Hell cannot be at peace. This Federal Government must be either separated from the support of Slavery, and set apart to the maintenance of Liberty, leaving the "peculiar institution" entirely with the States in which it exists, or we must give it up to the control of the Slave Power. No proposition can be plainer. Every indication shows this to be the case. The free States have taken position. Will they re-consecrate this beautiful Territory to Freedom? Will they spread liberty, proswomen, the selling and buying of men, the rear- perity, contentment, Christianity, over it? Shall ing of slave children for market, the shooting of the school-house and the church be found there? slaves, are all revolting to the conscience, cor- | Shall well-cultivated fields and beautiful dwellrupting to public morals, and degrading to those lugs greet the eye of the traveller, as he passes over it? Shall the physical and intellectual I would call the attention of gentlemen to powers of our race be developed, and man exaltOr shall this gradly land be delivered over to oppression? Shall clanking chains, and sighs, and groans, and bitter moanings, be heard through its wide extent? Shall slave markets supply the place of churches and school-house? Shall waste and dilapidation spread themselves over it? Shall wrong, injustice, and crime, be encouraged and protected there?

These questions are addressed to us. The responsibility of answering them must be met. Are we the men for the occasion? If we act for that which we know to be right, in accordance with our conscience, with Heaven's law, we shall hereafter enjoy the consolation of having done our duty, and the people in that Territory "will hereafter ize up and call us blessed."

But if we repeal this prohibition, and extend Slavery, with its crimes, over that beautiful country, we must expect the condemnation of mankind, and of our own consciences. Our names will go down to posterity associated with oppression, with all the moral guilt attached to an act so unjust and wicked. And as the suffering slave shall in future years bow himself to his unending toil, or shrick under the lash, or see his wife and children sold like brutes, his bitter curses upon our names and memories will mingle with his invocations for deliverance from the torments to which our votes will have consigned him.

BUELL & BLANCHARD, PRINTERS, WASHINGTON, D. C.

SPEECH

HON. J. R. GIDDINGS, OF OHIO,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, DEC. 18, 1855.

The election of Speaker being the business ! before the House-

Mr. GIDDINGS said:

FELLOW-MEMBERS: I address you in this manner for the reason that we have no officer to whom I can direct my remarks. As yet we are unorganized; without rules, without officers. in this condition the people are looking to us with intense interest, expecting us to proceed, as soon as possible, to the discharge of the important trusts confided to our discretion and patriotism. Still I am not opposed to those explanations to which we have listened for some days past. Indeed, it is right and proper that gentlemen should place their views before the country in order that the people, who are our constituents, our masters, may understand our positions. I am gratified at hearing gentlemen speak out so plainly. It is am important era with our nation. The eyes of the country are upon each of us, and the popular approval or condemnation awaits every member.

Gentlemen will pardon me when I say there is one practice which, in my opinion, leads to unnecessary misunderstanding of each other, and the consequent delay of business. With all delicacy I suggest, that instead of using terms and phrases which are so indefinite, on which different individuals place different constructions, which serve rather to confuse than to enlighten our un-derstandings, we should speak of principles. In justice to ourselves and to each other, ought we not to refer to the doctrines which gentlemen hold, rather than call them "Whigs," "Democrats," "Know Nothings," and "Free-Soilers?" When a gentleman speaks of a member as a Free-Soiler, what does he mean by it? No man can answer for another; or if different men answer the question, each will give a different definition of the term. So of all the parties. If you speak of a "Democrat," one member will understand you as referring to a gentleman who voted for Mr. Pierce; another will believe you refer to a gentleman holding the opinions of Jefferson; and another will understand you as speak- ers repudiated the doctrines of slavery; proclaimed

ing of a supporter of the Nebraska bill; and another will understand you to mean a supporter of slavery generally. I therefore submit whether we ought not to define these terms before we use them, so that we may each understand the speaker when he refers to the different parties, or to different members. If we but adopt this or to different memoers. If we out adopt this rule, we shall find ourselves agreeing upon many points on which we now appear to differ. Gentlemen, when I speak of the "Democratic party," I refer to those who stand by the Nebraska bill, and denounce the "American organ-ization" without a hearing: when I speak of Republicans, I speak of those who take distinct and unmistakable issue with the Democrats on these points, holding that all men and all parties shall be respectfully heard; and when I refer to "Know Nothings," I refer to those who seek to enlarge the time required for naturalizing foreigners under our laws, and who are now associated by secret obligations.

There is one other point to which I would respectfully ask the attention of gentlemen. Yesterday we listened to various remarks from members having distinctive reference to sectional lines, speaking of North and South, of northern parties and southern parties, northern men and southern This language ought not to be used here. There are no such parties. I never use such phrases. I base my whole moral, political, and religious hopes and expectations upon distinct, unyielding, enduring principles. I apprehend that others do the same. It is well known that the southern States adhere to slavery, while those of the North are generally in favor of liberty. There is, however, nothing sectional in these principles or sentiments. Liberty is the same wherever it is enjoyed. Its elements pervade the human race: they are broad as creation; comprehensive as mankind. Slavery is also the same, whether found in Africa, Brazil, or the United States. In this Union it has found an actual, permanent existence only in one section of the country. At the commencement of our Government, its foundliberty to our territories, leaving slavery but a limited existence in the States which constituted the Union. Since that period it has become more limited, and now actually exists in but one por-tion of the Confederacy. It is most emphatically a "sectional" institution, embracing sectional interests, and forcing sectional issues upon the

These sectional interests are now pressed upon the consideration of this body, insisting that we shall elect a Speaker of sectional feelings to preside over our deliberations, whose duties are general, extending over the whole country. Those who hold to the constitutional rights of the several States insist that this sectional interest shall be excluded from our national legislation, and left with the States in which it exists; that we shall elect a Speaker whose views are national-who loves his whole country. And I appeal to members, whether it were not more just and more statesmanlike for the supporters of that institution to or the pro-slavery party, while the advocates of freedom shall call themselves, and be called, the "FRIENDS OF LIBERTY," rather than speak of "sectional parties" and "sectional issues?" Yet, if this sectional language must be used, why then, let justice be done, and let it be understood that about sixty southern members, representing sectional interests, aided by some fifteen northern members holding to the doctrines of slavery, now constitute a sectional party, insisting that this Government shall legislate for that institution, and protect sectional oppression; that a minority of seventy-four gentlemen, in a body consisting of two hundred and thirty-four members, stand here and denounce the one hundred and sixty other members as "sectional;" that this minority, condemned by the popular sentiment of the country, stand here preventing an organization of this body; and while we, a large plurality, are endeavoring to organize and maintain the Government and continue its functions, these gentlemen have the effrontery to make proposition after proposition that we, the one hundred and sixty, shall resign our places, disappoint those who sent us here, refuse to perform the duties for which we were elected, and go home to the people. To induce us to do this they say they will also resign, if we will. The proposition is about as fair as would be that of a criminal standing on the gallows, the drop supported by a single cord, the rope around his neck, and fastened to the beam above him, the sheriff standing ready to execute the law, with his hatchet raised to sever the cord that sustains the drop on which the culprit stands, when he coolly turns to the officer, and proposes: " Now, Mr. Sheriff, if you will stop at this point, lay down that hatchet, resign your place, and return to the people, I will do the same. [Great laughter.]

Gentlemen should understand that this question of the Nebraska bill has been tried before the people of the United States. They have passed upon it, condemned it, repudiated its authors, and put their servants here to restore freedom to Territory; to give security to the people in that far distant region; bid this Administration stay its hand, and hereafter to wield its powers for freedom and not for slavery. The Democratic members of this body have been reduced, in twelve months, from one hundred and fifty to

seventy-four; from a triumphant and dominant majority to a minority that is feeble, inefficient, except to retard our organization. kindness, gentlemen, you will permit me to say that your modesty and delicacy in your new con dition are not so apparent as would be desirable to some of us. You are rather too assuming. Your propositions for us to resign may have been quite acceptable under other circumstances; it had even been generous if made while you had the majority. You do not, however, appear con-scious that the scepter of power has passed from you; you do not seem to understand your helpless condition. Your insensibility on that subject reminds me of a very solemn fact recorded by a theological writer-perhaps it was Swedenborgwho states that he was entranced, and in that condition his spirit visited the other world, where he met with many old acquaintances, among whom were a class of "Fogies," who, although they had been in that world "twenty, thirty, and even forry years, had not yet learned that they were dead." [Shouts of laughter.] Imention this for the instruction, the odification of the mixed. the instruction, the edification of the minority. really think it were more modest for them to withhold these propositions to resign, and these assaults charging the majority with sectionalism. The dictatorial bearing which they manifest is not altogether agreeable. They all understand that I have myself heretofore acted with a minority in this body, and speak from experience on this subject.

Gentlemen, we are in the midst of great confusion. We came here unacquainted with each other, bringing with us different views and prejudices: it is absolutely necessary that we should understand each other in order to act together. We must know wherein we agree, and where we disagree. This discussion would have arisen very appropriately after our organization, but, as it is conducted courteously and in good feeling, we shall actually lose no time by entering upon it now. In 1849 the discussion prior to the election of Speaker was more constant and more unlimited than it has been at our present session. It then resulted in good, and I think it will now. The real and indeed the only question of difficulty now before us is that of slavery. For twenty years it has occupied the attention and disturbed the action of this body, exciting dissensions and calling forth the warmer emotions of our nature. well recollect that, fourteen years since, this body was thrown into the wildest confusion by the agitation of this question; the passions of members were lashed into fury at the presentation of a petition by the Hon. John Quincy Adams. The shafts of calumny, detraction, and slander, were hurled at him: there he sat quietly in the seat now occupied by my friend from Connecticut [Mr. Woon-RUFF, while the waves of denunciation and detraction were rolling and dashing around him in wild disorder: venerable for his age, with a countenance mild and placid as a summer morning, he rose from his seat, and having obtained the floor, called on the Clerk to read the first para-

graph of the Declaration of Independence. In imitation of that example, I now ask the attention of the House while I repeat that emanation from the intellect of the great apostle of American Republicanism, sanctioned and approved by Hancock, Franklin, the Adamses, and, indeed, by the unanimous voice of the Continental Congress.

They declared that:

"When, in the course of human events, it becomes neces sary for one people to dissolve the political bands which have bound them to another, and to assume among the Powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind require that they should declare the causes which impel them to the separation."

And what were the causes which led them to separate from Great Britain? They placed those reasons on record, proclaiming to the world, that "We hold these truths to be self-evident: that all men

"We note these trulps to be self-evadent: that at men are created equal; that they are endowed by their Creator with certain unalienable rights; that among them are iife, LIBERTY, and the pursuit of happiness.

"That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

This Government was founded for the purpose, design, and end of securing " all men under its jurisdiction in the enjoyment of life, liberty, and happiness." It is now placed in our hands. We, the Representatives of the people, are bound to wield its power and influence in accordance with those intentions of its founders. On this rock the Republican church was founded, and I speak reverently when I say, "the gates of hell shall not prevail against it."

This House and the country are aware that the present Executive, in his inaugural address, denies these truths, declaring that "domestic servitude (slavery) is based upon the same principles as other recognized rights," That in the other end of this Capitol these "self-evident truths" have been boldly declared to be "self-evident lies." That in this Hall they have been treated with contempt; and this Government, instituted to secure freedom to all men, has been, and now is, wielded to destroy the liberty of a portion of the people, and to render them slaves. Against this prostitution of our national influence the people have spoken in the most emphatic and unmistakable language. Yet the advocates of those doctrines of our fathers in this Hall are denounced as "fanalics," "sectionalists," "Abolitionists," and nearly all the epithets furnished in the English language are heaped upon us. Gentlemen, in the paragraph quoted from that immortal instrument which, as it descends to coming generations, and its doctrines shall be better understood and appreciated, will reflect greater and still greater honor upon its author, -in that, I say, you have the creed, the "platform," the doctrines of the Republican party of 1855. They are the same now as they were held by the Republicans of 1775, and will continue the same while God shall govern the world. These doctrines were then sustained upon the battle-field; they are now upheld by the more peaceful operation of the ballor-box. Our fathers bled to sustain them, and we shall prove ourselves unworthy descendants of those noble sires if we shrink from the frown of slaveholders, or the miserable assaults of dough-

In the language of those patriots, we hold that "all men are endowed with this right to liberty

by their CREATOR;" not by the President, nor by Congress, nor by State Legislatures, nor by human constitutions, nor by human laws, but by the "OMNIPOTENT MIND;" and that it is the office of human laws, and constitutions, and legislation, "to secure these rights;" not to rob men of them-nor to suffer such robbery to be perpetrated under its jurisdiction or by its consent. When we say "all men are thus endowed," we mean what we say. We do not refer particularly to the high or the low, the rich or the poor, the noble or the ignoble, the man of light or of dusky complexion; but we speak of all who bear the image of God, whose countenances beam with immortality. All such are endowed by their Creator with the inalienable right to freedom. Mr. Pierce and the Democratic party, by their words and acts, deny these truths. Jefferson and Pierce are at issue. The Congress of 1776 laid down doctrines which were denied and repudiated by the Congress of 1854.

Mr. SMITH, of Virginia. Why is it that your

party has assumed the name of Republicans?

Mr. GIDDINGS. For the reason that we advocate the principles, stand upon the doctrines, and advocate the policy of the Republicans of 1776-the founders of our Government. They consecrated this Republic to the support of liberty; we do the same. They excluded slavery from their Territories; we do the same. They left the States to guide their own governments within their own jurisdictions; we do the same. Their doctrines are our doctrines; their name is our name; their God is our God.

Mr. SMITH. Why did you not take the

name before?

Mr. GIDDINGS. Our party has just been formed. It yet stands at the baptismal font; christened "REPUBLICAN," and consecrated to the support of liberty by the most solemn obligaations resting on men, on christians, or statesmen.
Mr. LETCHER. I want to know whether

the gentleman drafted this resolution?

"Resolved, That we will support no man for Speaker who is not pledged to carry out the parliamentary law, by giving to each proposed measure ordered by the House to giving to each proposed measure ordered by the rouse to be committed, a majority of such special committee; and to organize the standing committees of the House by placing on each a majority of the friends of freedom who are favor-able to making reports on all petitions committed to them."

If you are the author of that resolution, was adopted by the caucus?

Mr. GIDDINGS. I will answer the gentle-

man. Mr. LETCHER.

Hear me through. Mr. GIDDINGS. One question at a time.

Very well, then; go on. Mr. LETCHER. Mr. GIDDINGS. I thank the gentleman for propounding the question. I drafted the resolution: it was adopted at a meeting for conference, but not at a caucus. There was no secrecy about it. It has long been in print, with all the circumstances attending its adoption. The constant perversion of the parliamentary law for the last iwenty-five years, by the party to which the gentleman belongs, called loudly on all lovers of the Constitution to stand forth boldly for the correction of the abuses which that party introduced and have so long sustained. They have long deceived and insulted the people of the free States. The parliamentary law and the rules of this House require our committees to consider and

report on all petitions and other matters referred to them for consideration. The people of the free States have constantly sent their petitions here, praying Congress to repeal the laws of this national Legislature which sustains the slave trade in this District, and upon our southern coast. A still more revolting practice has attained in this District. Here boys and girls are reared for market, like sheep or swine, and sold at the proper age. This disgusting practice is sustained by congressional enactment; and the party to which the gentleman belongs has for twenty-five years lent its influence to sustain and protect this infamous pursuit, as well as to uphold this commerce in human flesh. This object has been effected by fraud, by violation of the parliamentary law, and of the rules of this House. To maintain these atrocious practices the Speaker arranges the committees by placing on them a majority of members favorable to maintaining this slave trade and the rearing of slaves. Thousands of petitions come from the people of the free States, praying the repeal of the acts of Congress by which these flagrant iniquities are upheld and protected. They are respectfully received and referred to committees selected for the purpose of holding them in perpetual silence. Being sent to those committees, they remain with them. They constitute that bourn from whence no petition for the abolition of the slave trade returns; nor will they report thereon. The committee, in flagrant violation of the parliamentary law, and the rules of the House, and their constitutional duties, hold such petitions in perpetual silence. All memorials on these subjects since A. D. 1828, now lie entombed in the office of the Clerk of this body.

The northern Democrats vote for a Speaker of this description. They know when they give their votes that such will be the action of the Speaker. They, therefore, as really vote to sustain the slave trade and the rearing of children for market, as though their votes were given on the direct question of supporting those abhorrent crimes; but their people do not see the connection between the vote of their representatives for Speaker, and the crimes which those votes sustain. The people are deceived, the rules of the body violated, the Constitution trampled upon, and humanity outraged. The people have the constitutional right to be heard. When they constitutional right to be heard. send respectful petitions to us, they are entitled to respectful answers. I do not say their petithink that the slave trade and the practice of raising human stock for market are of themselves just and proper in this civilized, this Christian nation, let them say so. If they agree with the petitioners, let them say that also. But they are now held in silent contempt. We insist they shall be respectfully answered.

An entirely different practice prevails with petitions in favor of slavery. Let a slaveholder send his memorial to this body, asking Congress to pay him from the funds collected from northern laborers for the loss of his slaves, and such petition is at once considered, and respectfully reported upon. This invidious distinction between northern and southern petitions ought not, and, so far as my influence extends, shall not continue. We should deserve the contempt of our people if

we longer submit to these insults. We demand he same respectful treatment for northern men and northern petitions that we grant to southern men and southern petitions. We are in earnest on the subject. We discard the offensive sectionalism which has so long been manifested. On this subject there is but one feeling among our people. Not a member of this body from the free States could be returned here again, if his constituents were conscious of his voting to continue this practice, so insulting to the self-respect of the people of the free States.

Now, gentlemen, I feel some degree of pride in having penned this resolution. I am perfectly willing the world should regard me as its author. It embraces two points. We vote for no man who by his character and conduct is not pledged to carry out the parliamentary law. This is the first point to which slaveholders object. They intend the Speaker shall violate that law, as they have done for the last twenty-five years. constitutes the first issue. The next is, he shall place on the principal committees a majority of the friends of freedom favorable to making reports on all petitions referred to them; not merely petitions from the North, or from the South—not merely those which pray for the abolition of the slave trade, and to prohibit the practice of rearing children for market, but they shall report on all petitions referred to them, even those praying the continuance of the crimes referred to. To this, the Democratic party also take exception. say the committees shall not report on petitions in favor of freedom, of civilization. This constitutes the second issue. We would deal out equal justice to all men, and to all sections of the country. Pro-slavery men and pro-slavery petitions shall be treated with the same kind attention which anti-slavery men and anti-slavery petitions receive. Equal rights, equal privileges, and equal justice to all men constitute the whole substance of this resolution. It embraces that perfect rule of human conduct, of doing unto others as we would have them do unto us. Under these circumstances, the resolution was drawn up and presented, and unanimously adopted. I rejoiced at this unanimity, and am thankful to God that I have lived to see Representatives from our free States thus candidly and firmly demand that the petitions of our people shall receive the respectful attention of this body.

And now, having given a distinct and categorical answer to the interrogatory of my friend from Virginia, [Mr. Lercness,] I desire to propound a question to him: Would you, sir, vote for a Speaker that you believed would thus strangle nettitions from the North

petitions from the North?

Mr. LETCHER. I will vote for a Speaker who will do his duty fairly and justly.

who will do his duty fairly and justly.

Mr. G1DDINGS. I never knew my friend to
be astride the fence before. [Laughter.]

be astrice the tence before. [Laugnter.]
Mr. LETCHER, I will never vote for any
man whose character and conduct are so doubtful that I must domand pledges from him that he
will be honest. [Cries of "Good, good!"]

Mr. GIDDINGS. 1 call on this House and the country to witness the fact that the gentleman evades my question. He dare not give a direct answer. He dare not say that he agrees with the resolution to which he referred; nor dare he say that he is opposed to it, or would vote for a

Speaker who would arrange the committees so as to entomb northern philanthropy when it comes here in the shape of petitions. He thrust his interrogatory upon me. I gave him a direct categorical answer. I knew I was right. I know that the people, my own conscience, and God, will approve the course we have taken. And now, in turn, I propound to him a plain and simple interrogatory. He, a slaveholder, dodges, evades, and gives no answer. He dare not meet truth and justice at this forum. I desire him to say here, before the country, that he wishes to protect and continue the abhorrent crimes of slave-breeding and slave-dealing in this District, or that he would permit our petitions on those subjects to be heard and respectfully treated. He dodges, evades, and takes no position on either side. He speaks of pledges. Why, sir, he would vote for no man who is not pledged by his life and conduct to continue this insulting treatment of our petitions. But as I stand here to be questioned, I hold the reciprocal right of propounding interrogatories; and if gentlemen will bear with me, I should like to inquire of the Democratic candidate for Speaker, [Mr. RICHARDSON,] whether he will so arrange the committees as to give respectful answers to petitions which may be pre-sented on the subject of the slave trade in this District, and in regard to the more detestable practice of rearing men and women for the market? or will he so arrange the Committee on the District of Columbia as to silence those petitions?

Mr. LETCHER. That is an evasion of the

issue; you were to question me.

Mr. GIDDINGS. I have to deal with your candidate now.

Mr. RICHARDSON. You and I are not equal; you are not a candidate-l am. [Laughter.]

Mr. GIDDINGS. That gentleman stands before the country; the eyes of the nation are upon him. He is a candidate for Speaker. He wants my vote. I have a right to know his views before I vote for him, and so has every other member of this body; and now, when I propound to him a most respectful and important question, he stands mute. He dare not say to the friends of freedom, that he will, if elected, insult them by smothering their petitions; nor dare he say to the slaveholders he will not thus violate the parliamentary law, and the rights of the people and the spirit of the Constitution, in order to maintain the slave trade, and the practice alluded to; yet he is a gallant man; he quailed not on the battle-field; but he lacks the firmness to speak out here the sentiments of his heart. He says I am not a candidate. God forbid that I ever should be a candidate if thereby compelled to lay aside my independence, my manhood, and fear to speak the honest convictions of my heart. Sir, when I hesitate to avow my detestation of the crimes to which I have so repeatedly alluded; when I hesitate to declare that all my influence, official and personal, moral and political, shall be constitutionally exerted for the eradication of such iniquities from this District, from our Territories, and from the world, I shall regard myself unworthy to be a candidate for any office before the American people.

And now, if gentleman please, I will propound this same question to the gentleman from Virginia [Mr. Smith] who preceded me, who spoke as one having authority.

Mr. SMITH, of Virginia. If the gentleman will take a word of advice from me Mr. GIDDINGS. No, no advice. I ask a

question. [Laughter.]

Mr. SMITH. But allow me— Mr. GIDDINGS. Sir, I ask no advice; God forbid that I should be driven to such a necessity. Mr. SMITH. I will tell you what I say in reference to that. But first let me make a suggestion.

Mr. GIDDINGS. No suggestions. Answer

my question—yes or no!

Mr. SMITH. If you wish to know how I would organize the committees, I can only say that I would organize them so as to advance the public business in strict conformity to the Constitution and all its compromises, and none other.

Now, you may make the most of that. Mr. GIDDINGS. Gentlemen will mark these

The gentleman from Virginia [Mr. Smith] can assail honorable Senators as he has done here to day, while they are at a distance, with no oppor-tunity to answer him. He can denounce them and talk of the salvation of the Union; but when a simple interrogatory is propounded, calculated to draw out his honest feelings and show his principles and views to the country, he becomes He evades my question and tells me to make the most of it. I can make nothing of it. I wish him to learn that here, at this forum, is ample room and verge for the display of his forensic talents. His lofty bearing, his dietatorial manner quails before a mere interrogatory calculated to unveil his motives and intentions.

I again call the attention of the country to this important fact. I am here interrogated, and those with whom I act are assailed, for adopting the determination expressed in the resolution which has been read; and now, when I turn and ask our assailants whether they will, or will not, sustain its doctrine, they and their candidate stand speechless. The picture thus presented to the American people is humiliating. Every gentleman is aware that the man of conscious integrity, who knows that he is right, that he seeks to do justice, to promote the public good, never did, and never will, fear to avow his doctrines; indeed, the more widely he is able to proclaim them, the more is he pleased and gratified, for the very promulgation of his doctrines tends to the attainment of his object; while, on the contrary, there can be but one motive to conceal the political sentiments which we entertain-that motive is to deceive the people. I speak frankly and plainly, when I deelare that if slaveholding gentlemen and their northern allies really believed it just and right and proper to protect the rearing of children for market in this city, and to uphold the slave trade here and on our southern coast, they would say so frankly—they would not ex-hibit before the nation the humiliating spectacle presented here to-day: not daring to define their position; fearing to let the people know where they stand. Why, sir, a frank and open avowal of their intention to protect those crimes by the means adopted for the last twenty-five years, would consign to private life every such member from a free State, and many from our slave States.

I now declare, that not a member from a free State ever will admit that he voted for a Speaker expecting him to arrange the committees in the manner stated, and so clearly admitted to be

their present intentions.

But, gentlemen, the leading organ of the Democratic party takes exception to the resolution, for the reason that it insists that a majority of those committees shall be "friends of liberty." The editor thus puts the matter upon the proper issue. He would have the majority on our committees friends of slavery: friends of slave breeding and of slave dealing. That is the real issue. The man who votes with them, votes for the protection, for the continuance of these crimes. He may deny it to his constituents, but he can only acquit himself of this intention by stultify-

ing his judgment.

Again: gentlemen should understand, that we also adopted another resolution, declaring "that it should be no objection to a candidate that he belongs to the 'American organization,' provided he carries out the resolution before adopted." This was due, not only to the members of the "American organization," but to the country. They had been discarded and denounced by the Democratic party in their resolutions. For the purpose of electing a Speaker, we associated with the "Americans" and "anti-Americans," and all others, on terms of equal privileges and equal justice. We object to no man for the reason that he is a "Know-Nothing;" nor do they object to a candidate who is opposed to the order. From our Speaker, when elected, they are to receive the same measure of justice which we demand for ourselves. We, who are not of the demand for ourselves. We, who are not of the order, will receive the same measure which is dealt out to them; they demand no more; we can accept of nothing less. Thus, standing on equal grounds, we can act together without surrender of our self-respect, or the just rights of any individual.

Nearly all those belonging to the "American order" agree with the Republicans in putting forth our united efforts to restore freedom to Kansas; that this is the great overshadowing issue now before the American people. They therefore cannot act in opposition to Republicans on the

present occasion.

There are others who hold to the 12th section of the Philadelphia platform, who differ from us. They prefer to let slavery exist in Kansas, yet are hostile to the principle of extending it further, while the Democrats would permit it to extend into Minnesota, Oregon, Washington, and Nebraska. The course which those gentlemen will pursue is unknown to me. They will doubtless act under the guidance of their own best judgment, and to their own masters they must stand or fall.

And now I will come to the more immediate object I had in view when I rose, unless my friend from Virginia has further questions.

Mr. LETCHER. I have got all I want to go

to my section of the country.

Mr. GIDDINGS. Oh, my friend, with what emotions do 1 hear that word "section!" Instead of looking to the general good of our whole there are some eight country, we speak of "sections," and pander to the prejudices of some particular "locality." Would that we could all feel we are acting for a | by either organization.

nation, for a great and increasing empire!-that we are acting for coming generations! When will statesmen understand that the laws of retributive justice are fixed, determined, and infallible? Gentlemen of the Democratic party should realize this great truth. Two years since they held a large and controlling majority in this Hall. They then took upon themselves the guilt—they perpetrated the crime of extending slavery into Kansas. I then assured them that the retributive justice meted out by that "higher law" which they derided would visit them. They held my warnings in contempt, and now, lo! where are they? Nearly every man of that party from the free States rests in that political sleep which knows no waking. Instead of a triumphant majority in this Hall, they now number in all seventy-four. The vengeance of the American people is working their destruction. They have been "weighed in the balances and found wanting." The sentence of "depart, ye cursed!" has been pronounced against them. Their story is told, and their history may now be written. Pardon this digression in reply to my friend's reference to his "sec-tionalism." I was just coming to the subject of our present condition before the country.

The present Democratic minority have boldly and unmistakably placed themselves before the country on two issues. First, they proclaim to the world their intention to permit slavery to exist in all our Territories; that the power of Congress shall not be wielded for freedom in any Territory over which the Federal Government possesses exclusive jurisdiction. Second, they denounce the "American order," or the "Know Nothings" as they are called, repudiating them and their doctrines; pronouncing judgment against them

without a hearing.

Opposed to the Democratic party on these issues stand the entire Republican phalanx, with all that portion of the "American order," or "Know Nothings," who hold the Republican doctrine, that the power of the Federal Government should be exerted for freedom in the Territories; and that their order shall be respectfully heard on any measure they may bring forward, and treated in the same manner that all other men and associations of men are treated. "Republicans" and this portion of the "Know Nothings" agree on the restoration of freedom to Kansas, while each man entertains his own views on all other mat-These constitute the two principal parties. They are distinctly arrayed against each other. The issue is one of slavery or freedom to our Territories. Each party has raised its banner-"LIBERTY" being the motto of one, and "Slavery" of the other. Each is now active in arranging their forces, consolidating their ranks, and preparing for the great presidential conflict of the coming year.

Aside from these parties, standing in a separate organization, is that portion of the "American order" who wish to let slavery remain undisturbed in Kansas, and wherever it now exists under the jurisdiction of the Federal Government. They number some thirty members, most of them from slave States. Besides these three parties, there are some eight individuals who, as yet, have not taken their final position with either, but cast their votes on men who are not voted for

This, then, is our position before the country. I am of opinion that, if we were organized, we should have a working majority in favor of restoring freedom to Kansas; yet that is at present doubtful. Without such a majority we do not desire the Speaker. It were useless to us to elect that officer unless we can sustain him after elected. The time has, therefore, arrived when, in my opinion, every man should stand forth boldly; let him take his position distinctly before the country, and let the nation know where he stands -what are his principles-where will he place himself on the record now being made for coming time. Does he wish to stand before the nation, and before coming generations, as an advocate and defender of liberty? or will he inscribe his name on the roll of slavery's advocates? I know that many friends think we should say little or nothing about these great fundamental principles which now divide us from the Democratic party. I entertain a different opinion. I know of no time more proper for the avowal of our individual views than the present. As soon as we fully understand each other we shall be better prepared to take our positions.

For my own part, I would not deceive any man, and I would have no man deceive me. We are strangers to each other; for the first time most of us have now met. We are constrained to act together, and, in order to prepare for that duty, we must know each other, and the prin-

ciples which each entertains.

For myself, and I think I may speak for some others-indeed, for the Republicans generally-I may say that the government which we constitute in Kansas should secure all men of that Territory in the enjoyment of life, liberty, and happiness. We hold, with the fathers, that this is the object, the ulterior design of all Christian Governments. This design the Republicans intend carrying out by constituting a government in Kansas that shall effect that purpose. My friend from Pennsylvania [Mr. Jones] denies that we have the right to prohibit slavery in Kansas. I wish to meet him on this point.

[Laughter.]

Mr. JONES. I do say that. Mr. GIDDINGS. I desire this issue to be understood by the American people. I ask his attention to what constitutes slavery. It is the subjection of the mind and body of one man to the will of another. In the words of a southern jurist: "A slave is one doomed in his person and posterity to live without knowledge, to toil that another may reap the benefit of his labor. The object is the master's gain: the instrument the perfect subjection of the slave." The right of self-defense against the chastisement of the master is taken from the slave. That first great law of nature, and of nature's God, is repealed, so far as the slave is concerned, and human enactments can do it. He is placed in the power of the master, who may scourge and torture him; and if the slave defends his person, the law declares it an act of rebellion, and the master is at liberty to take the life of the slave if necessary to reduce

him to subjection.

Mr. LETCHER. The criminal law which protects me protects my slave.

Mr. GIDDINGS. Then I would say to the

that I could truthfully proclaim that fact to every slave in the Old Dominion; that I could say to them truthfully, "You have the same right to defend yourselves . that your masters possess; that as your masters may protect their persons even to the slaying of him who assails them, so you have the right to defend your persons, and, if necessary to such defense, you may slay your masters when they assail you in the same manner that your masters may defend themselves against your attacks on them." If such were the laws of Virginia, slavery could not be maintained there one week. I admit that this right of self-defense, being a natural right, derived from nature's God, cannot be modified or repealed by human enactments, that the slave has ever had, and still possesses this right; yet the laws of all slaveholding communities inflict upon the slave punishment and render him liable to be slain by the master for exercising this right which God has bestowed upon him.

This right of self-defense constitutes the very gist, the essential feature of slavery; without it slavery could not exist. Restore to the slave the right of self-defense, and he at once becomes a free man. This power of one man over another constitutes the vilest despotism, the most perfect tyranny that ever cursed the footstool of God. The master, at the instance of his own mind, without trial, without judicial investigation, punishes and even takes the life of his fellow-man. He thus holds the power of life and death over his slave. You may look to Austria or to Russia in vain for a parallel to such despotism; and we, the Republicans, insist that it shall not exist in Kansas. The Democrats say it shall be protected and permitted there; that this Government shall not prohibit it in that Territory.

Let no man charge me with discussing slavery in the States where we have not the power to interfere with it, nor the right to legislate in regard to it. The Democratic party have forced it into Kansas, and now insist that it shall remain there. They thus compel us to examine its moral, its political character; and now, as we are forming the great parties of the nation on this issue, and as gentlemen who have preceded me have undertaken to denounce us as "agitators," as "sectionalists," as "fanatics," I deem the present a fitting occasion to vindicate ourselves before the coun-

This authority of the master to scourge the slave, and to slay him if he resist, is but the legalizing of murder; it is giving one man power and authority to commit the offense of assault and battery against his fellow-men, and if they resist he is authorized to slay them. The Democratic party insist that these crimes shall be permitted in Kansas; that no protection shall be extended to the weak, the friendless, the helpless

^{*} While Mr. Giddings was speaking, Mr. Letcher denied this position, to which Mr.Giddings replied, that if he should write out his remarks he would refer that gentleman to his authority. In accordance with this promise, Mr. Giddings quotes from the revised statutes of Virginia the following enactment of 1668;

[&]quot;Be it enacted and declared by this General Assembly, If any slave resist his master, (or other by his master's onler correcting him,) and by the extremity of the correction should chance to die, that death shall not be accounted felony, but the master (or other person appointed by the slaves of Virginia, "Defend yourselves!" I would master to punish him) be acquit from molestation.

noor of that Territory. I repeat that we, the Republicans, insist that protection to the weak and friendless should constitute the first and principal object, the great leading feature and end of all Governments, particularly of all Governments formed under our Constitution. With the founders of our Republic we hold "that whenever any form of Government becomes destructive of these ends, it is the right, it is the duty of the people to alter or abolish it, and erect new safeguards for their protection."

It is admitted that the people of Kanasa derive their authority to legislate from Congress. The very title of the bill purports to give authority to the people there to erect a Government. We could not give them, or a portion of them, powers which we did not ourselves possess, which we may not now exercise. We have not delegated to them, nor to any portion of them, authority thus to secure and say another portion of their fellow-men; nor has nature, or nature 's God, bestowed such right. But if, as contended, we have delegated such powers, we are corselves responsable for their exercise, and every member of this body who now insists on permitting these crimes to continue in Kanasa is involved in their moral

Now, for one, I will not bathe my hands in the blood, nor stain my soul with the moral guilt of these iniquities. I stand here before the nation, and, in the presence of God and my fellow-men, I declare I will not participate in such wickedness. As a man, a Christian, a statesman, my feelings revolt at the proposition. My judgment, my conscience, the example of the early Republicans, their declared objects, left upon the records of our Government, the Constitution of our country, the laws of God, unite in urging me to oppose the existence of slavery and its attendant crimes. not only in Kansas, but wherever we have power to prohibit it. The Democratic party insist that there the master may even kill his slave, if the slave resists him. Four thousand years since God himself, in a voice of thunder, proclaimed from Sinai, "Thou shalt not kill." The Democrats are endeavoring to repeal this law of the Most High, and to render that commandment void. In thus sustaining slavery they are fighting against God, and nature, and our common humanity.

I repeat, that I embrace this opportunity of speaking frankly my own views, and I trust the views of Republicans and Christians generally, in consequence of the unrestrained denunciations iterated and reiterated against us by the advocates of oppression. I could not ask a new member to

perform this duty. Indeed I have been led to its discharge principally for the benefit of our new members. I desire to hear them speak boldly when they speak; to give utterance to their honest emotions; to speak their sentiments, and avow their doctrines without disguise, and I would say to them, they need not fear a dissolution of the Union, of which we have heard so many intimations this morning.

many numations this morning.

I feel that this threat of dissolving the Union should be met promptly at the very threshold of our session. It has long been held up as the "scarcerone," the "bugbcar" to frighten dough faces. These threats come from the slave States. They are not heard among the public men of the free States. They never have been uttered by the friends of Liberty.

A Voice. Did not Sumner threaten to dissolve the Union?

Mr. GIDDINGS. Never, sir, never. While from the slave States, from the slaveholding portion of the Union, they have been almost constantly proclaimed for the last quarter of a century. Even now, the leading Democratic paper of the slave States, the Richmond Enquirer, almost daily puts forth articles calling on the people of Virginia to prepare for a dissolution of the Union. While the public press and the politicians of that portion of the Union are thus proclaiming their intention to dissolve it, they turn round and charge us of the North with efforts to effect that object.

The free States have ever been loyal to the Union-they will remain so. They will not only refrain from dissolving it, but they will not permit it to be dissolved by the people of the slave States. It was founded by our fathers; it was cemented by their blood; and by all the hallowed recollections which cluster around their memories we are called on to maintain it. To those who threaten its dissolution we present an unbroken phalanx. With unwavering determination we say to those traitors, you shall not dissolve it. They should bear in mind that we have now the majority in this body; next year, with God's blessing, we will have the President; and in two years more we will have the Senate, And with the executive and legislative branches of Government in our hands, I think we shall be able to maintain the Union, and perpetuate the institu-tions of freedom in our land, until Christianity and Civilization, now so rapidly advancing, shall make not only our whole country free, but other nations shall be led to imitate our example, and man shall become elevated, and liberty shall triumph throughout the world.



SPEECH

HON. G. A. GROW, OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES, MAY 10, 1854.



on the state of the Union-

Mr. GROW said:

Mr. CHAIRMAN: The bill under consideration provides for organizing two territorial governments, to be called Nebraska and Kansas, embracing together about six hundred and sixty-five thousand square miles-an area twice as large as the original thirteen Colonies, and extending from New Mexico to the British possessions, and from the western limits of Minnesota and the organized States to Washington and Oregon, containing four hundred and twenty-five million acres of land, being more than a fourth of all the public lands

now owned by the Government. The provisions of the bill are those usually inserted in bills for the organization of territorial governments, with the exception of the fourteenth section, which repeals so much of the Missouri compromise act as prohibited slavery in all the territory purchased of France, lying north of the parallel of 360 30' north latitude. The opposition to this bill, with the exception of the propriety of organizing two territorial governments at this time inp! Sau of one, is confined wholly to this section. And the objection to the Senate bill is to the same section, and to that provision known as the Clayton amendment, which restricts the elective franchise in the Territories to citizens alone. It having been the policy of the Government heretofore to permit all persons residing in the Territory, who had declared their intention to become citizens, to participate in the organization of the government, what reason is there for their exclusion in this case, or for their exclusion in any similar one? The fact that they are residents of the Territory is the best evidence that they have settled there with the inention of making it their permanent home, and their oath in the declaration of intention to become citizens absolves them from allegiance to foreign

case, therefore, would be not only unjust, but in-consistent with the great principle claimed to be embodied in this bill by its special advocates. But the territory proposed to be embraced in Nebraska is one vast wilderness, inhabited by ribes of wild Indians, most of whom are far renoved from your settlements, and have never had my intercourse with the whites. And why should

Powers, and clothes them with our nationality.

And why, on the doctrines of popular sovereignty, should they not be allowed a voice in this infant

state of society in moulding the institutions under which they are to live? Their exclusion in this

The House being in the Committee of the Whole they be disturbed now? Why hasten on the time when you must make treaties for the purchase of their lands, with their long train of annuities swelling up the annual expenditures of the Government millions? Why should the Government force its officers and temporary governments on into the wilderness far in advance of the tide of emigration, especially when it is to drive the red man from his last forest home? For when the buffalo shall flee from the plains of Nebraska at the approach of the white man, the hunting ground of the Indian will exist only in the land of "the Great Spirit." It will be but a few years, at best, before the civilization of Western Europe and the regenerated civilization of Eastern Asia, commingling on the crest of the Rocky Mountains, will blot forever from the generations of living men the last representative of the Indian race. True, as was well said, some days since, by the gentleman from Missouri, [Mr. CARUTHERS,] that is his doom. He must give way to an advancing civilization, and the forms of savage life must yield to its necessities. Extermination, some day, is therefore his inevitable fate. Destiny has stamped it on the annals of his race, and time is fast fulfilling the decree. But is it a wise and humane policy, on the part of the Government, needlessly to hasten its accomplishment?

But what reason is there for the organization of any territorial government at this time over any of this territory? There is but one of any force, and that, however, with me, is sufficient: it is to have an organized government to protect the emigrant, and contemplated railroad routes to Cali-fornia and Oregon. But one Territory is sufficient for that purpose, and would embrace all the white population now settled between Utah and the States. One Territory, embracing about a fifth of this vast area, would form a continuous connection of Territories skirting the western borders of all the States, reaching across our entire limits, from the British possessions to Mexico. of Wisconsin we should have Minnesota; of Iowa and Missouri, the new Territory; of Arkansas and Texas, New Mexico; while the Pacific coast is lined with Washington and Oregon. should the Government go to the expense of organizing territorial governments two deep where there are no white population, and no occasion for any for years? The expense of each of these territorial governments, in salaries to officers, and the expenses of legislation would be not less than \$70,000 a year, besides the expense of keeping up military posts, requiring an increase of the

a vest amount of claims upon the Government for Indian depredations upon the private property of the citizen. So that the entire expense of each of these Perritories would nearly or quite reach

\$100,000 a year. But this objection is merely to the propriety of an expenditure of money, and the policy that should govern our intercourse with the Indian It is, however, a sufficient reason with me why there should be but one territorial govern-ment instead of two organized at this time. But the great and controlling objection to even that, as proposed by this bill, is the repeal of the eighth section of the act of 6th March, 1820. And in order properly to discuss that question, it is necessary briefly to refer to the political history of a few years. During the first session of the Thirty-First Congress, five separate and distinct acts of legislation were ingrafted on your statute-book, and christened the compromise of 1850. It was heralded to the country by its friends as an almoner of peace, and the dove was sent forth over the troubled waters. A year passed away, and no note of discord was heard in these Halls. The political animosities heard in these Halls. engendered by the sectional strife and contests of the past four years had lost their bitterness and rancor, and a general acquiescence pervaded the whole country.

I left my home to take a seat in the Thirty-Second Congress, with no idea that the deliberations of this Hall were to be in any way disturbed by the question of slavery during my term of service as a Representative; and fully resolved, that they should not be by any word or act of mine. But, before the organization of this House, and before the utterance of a word proposing to disturb that compromise, resolutions were introduced by a southern member into the Democratic caucus. and subsequently into both branches of Congress. to declare it a finality. I voted, sir, against their introduction in any form, and against them on their final passage, for reasons then stated, and which I still believe to be good, "that I regarded any further agitation of these questions at this time as useless and unnecessary, and not being one of those who believed that discussion on one side of a question is not agitation, while discussion on the other is, I could see no benefit likely to accrue from their passage." I know, sir, of but one way to quiet and end agitation on any subject, and that is to cease acting and talking about it.

At that time I fully indorsed remarks of the Senator from Illinois, [Mr. Douglas.] made in opposition to these resolutions, in the Senate of the United States, on the 23d of December, 1851, most of which are equally applicable to the present

time, in which he said:

"Are not the friends of the compromise becoming agita-tors, and will not the country hold us responsible for that which we condemn and denounce in the Abolitionists and Pree-Soilers?"

"Those who preach peace should not be the first to com-mence and reopen an old quarrel."

"Let us cease agitating, stop the debate, and drop the

That was my opinion then, sir, and upon that conviction I have acted ever since. But a few months later, and all sections of the two great political parties of the country, in convention at Baltimore, pledged to each other their faith and their honor "to resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the altempt may be

Army, with its attendant expenditure, as well as | made." Adopting that pledge, I entered the canvass of 1852, and gave my best energies and efforts to the success of the Democratic party, and the triumph of its nominees. Relying on the honor and integrity of the party, and the good faith mutually pledged by its members, I congratulated myself in its success, that at last there was an end of slavery agitation in the halls of Congress, and that the country could once more repose in peace. For the olive branch had been extended over by-gones,

and "the dead past was to bury its dead."

But before the compromise of 1850 is four years old, we find ourselves in the midst of another wild sectional controversy, and " the agitation of the slavery question" is again renewed in and out of Con-The discovery is just made by a northern man, that great wrong and injustice has been done the South in the legislation of the country, and to which with remarkable humility she has quietly submitted for more than a third of a century. the Missouri compromise be an indignity and a wrong, it was heaped upon the South by her own For, at the time of its passage, there were anna. eleven free and eleven slaveholding States in the Union, and of the twenty-two southern Senators but eight in a full Senate voted against it. And of her eighty-one Representatives upon this floor only thirty-eight. So that of her one hundred and three Representatives in both branches of Congress forty-six only voted against this flagrant wrong and a southern President consummated the injus tice by signing the act with the advice and ap proval of a Cabinet, a majority of whom were from slaveholding States. Mr. Clay, in his speech of the 6th of March, 1850, in which he explains his connection with the Missouri compromise, de clared that " among those who agreed to that lin were a majority of southern members.'

"I have no earthly doubt that I voted, in common with m other southern friends for the adoption of the line of 36° 30'.

Here is his own declaration to settle forever th controversy has been raised in this Hall whether he lishing the I

Mr. SMI permit me 1

Mr. GROW. II une some for I have no time to spare.

Mr. SMITH. The proposition came upon tw

Mr. GROW. Oh, I will explain that mysell Mr. Clay was opposed to the restriction on the State of Missouri, but not to the establishmen of this line of prohibition. I suppose that is who the gentleman alludes to.

Mr. SMITH. No, sir, it was not that; I wi explain, if the gentleman will permit me,

Mr. GROW. I cannot consent to have the gentleman take up my time for that purpose The record shows that this deed was done by south ern men, under southern influences, claimed at th time by the South as a triumph, and regarded be the North as a defeat. And yet, it is charged b the Representatives of the South upon this floor day by day, and reiterated even by northern mer as one of the flagrant aggressions of the North i violation of justice and of honor.

Sir, this discovery of wrong and injustice he been made since the 23d of December, 1851, for on that day the Senator from Illinois, [Mr. Dove LAS] declared, in the Senate of the United State that the Missouri compromise " had been acqu esced in cheerfully and cordially by the people for more than a quarter of a century, and which all partice and sections of the Union professed to respect and cherish as a fair, just, and honoroble adjustment." And it was so regarded by the members of the last Congress, both North and South. For the bill organizing Nebraska, with not a word in it relative to elsavery, introduced by Mr. Hall, of Missouri, passed this House by a vote of ninety-cipht to forty-three, ten of which were given by northern men; so there were but thirty-three southern votes against it. Not a word of objection was made to it by any one because it did not repeal the Missouri compromise. Nor was it then understood to be inconsistent with the legislation of 1859.

On the last day of the session, Mr. Douca. As immelf appealed to the Senate to take up this bill, for he was sure there was a majority for it if it could be brought to a vote, and "he should be delighted at its passage." Mr. Arcurson, of Missouri, in urging the Senate to take it up and pass it, said:

"It is evident that the Missouri compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years there."—Congressional Globe, Second Session 32d Cong., vol. 28, page 48.3.

What act has northern men committed since that time so craven that you now expect them to do what you did not then presume upon their manhood to ask to be performed? Though the Missouri compromise was passed by the usual forms of legislation, yet, owing to the circumstances surrounding its adoption, it cannot, in the language of Mr. Dickinson, of New York, made in the Senate the 12th January, 1848, "be regarded as an ordinary act of legislation, upon the majority principle. It was rather in the nature of a compact, not adopted as such, to be sure, but assented to or acquiesced in by all the States through their Representatives in Congress, or otherwise." was a settlement of a sectional strife, conflicting interests, and conflicting opinions, in which the passions of men had become inflamed, and the patriot trembled for the future of his country. And is there no faith to be given to such arrangements, to reconciliations made under such circumstances? If you do not observe the settlements of strife and discord made by your fathers, what suarantee have you that your children will observe those made by yourselves?

But you say the arrangement was unconstitutional, and is therefore void; that the Constitution secures to you the right to go into any Territory of this Union, and plant there the institu-tion of human bondage. Even if that be the case, your fathers agreed with our fathers in 1820 that you would waive that right so far as this Territory was concerned; and you have gone on and taken advantage of all the benefits secured by that arrangement to you, and now you propose to come in and share those secured to us, on the plea that, outside of State limits, you have the absolute right to plant slavery wherever the flag of the country floats. If that is one of your constitutional rights, then there is no occasion for repealing this act, for the courts would annul it. it is constitutional, no northern man ought to vote to repeal it; if unconstitutional, there is a tribunal organized by the federate compact itself to settle such questions. But if the Constitution itself setties any rights relative to slavery in the Territories, what are they? It extends the jurisdiction of Congress over the Territory. As the Territory is em-

braced in no other jurisdiction, it is, therefore, local and exclusive, not like that over the States, for there it is limited and defined, leaving each State to settle for itself all questions of private rights, either of persons or property. But in the Territories, before the organization of a legislative body, what legal jurisdiction can there be save that of Congress, and what private rights are secured to the persons dwelling therein save those guarantied in the Constitution itself-among the most important of which is that "no person shall be deprived of life or liberty without due course of law?" Before any legislation, then, either by Congress or the local Legislature, while there is no legal jurisdiction of any kind extending over the Territory save the Constitution itself, how can it, by its own inherent force and power, enslave and hold in bondage a human being, in violation of one of its most sacred and solemn guarantees of personal rights? But when the Territory is converted into a State, it is then clothed with all the attributes of State sovereignty, and the jurisdiction of Congress and the Constitution, from being exclusive becomes limited and defined, and thus the two jurisdictions are harmonized.

the two jurisdictions are harmonized. Upon this point I will refer to the authority of but one of many distinguished names, and to which I desire specially to call the attention of the gentleman from Kentucky, [Mr. Breckenrines, with so much credit to himself, the characteristic of his family name, as well as the sterling virtues of an oft-defeated, though unconquered, Kentucky Democracy, and also the attention of all others who were his disciples while living, and who revere his name now that he is dead. It is an authority that will not be questioned by them, and certainly not by a son of Kentucky; and upon this question it has become canonized in the hearts of the American people.

Mr. Clay said, in reply to this claim of constitutional right to carry slavery wherever the jurisdiction of that instrument extends, in the Senate, 22d July, 1850:

"If I had not heard that opinion avowed, I should have regarded it as one of the most extraordinary assumptions, and the most indefensible position, that was ever taken by man." "You cannot put your finger on the part of the Constitution which conveys the right or the power to carry slaves from one of the States of the Union to any Territory of the Union States."

I leave the advocates of this domine with their own champion who stood on the floor of the Senate of the United States to scout the idea, and to declare that if he had not heard it, he would believe

it beyond the presumption of man.

But it is said that these Territories are common property, and that all the citizens of the United States have common rights in them; and that, therefore, no citizen can be excluded from emigrating to them without injustice and degrada-No one proposes to exclude any person from emigrating and settling on the public domain. The territory, it is true, is the common property of the whole people, but by the Federal Constitution they agreed to put it under a supervisory That power is Congress; Congress is made a board of direction over this trust-fund, to use it in such way as, in their sound discretion. will be most advantageous to the trust, and will best accomplish the object of its creation, the promotion of the real and permanent interests of the Whoever goes into the Territory, therefore, as a settler, must conform to the "rules and regulations" established by this supervisory board,

created by the common consent and agreement of the whole country, and made one of the articles of compact. No person has any separate, distinct individual right that he can have set apart as his share to use as he pleases, any more than he can take his share of the President's House, or of this Capitol, and appropriate it to his own use. It can be used only in such way as, in the judgment of Congress, will conduce to the advantage of the whole. Any attempt to exclude any citizen from emigrating to the Territories upon the same condition that you permit others, would, of course, be unjust.

But you claim to hold there, legally, whatever the laws of the State from which you emigrated recognize as property, because you are joint owners of this Territory. It is upon no such doctrine that any species of property is held by any person in the Territories. He can hold whatever the common law of the country recognizes as properly, and nothing else, till there is local legislation, no matter where he comes from, whether from the North or South, from Europe or Asia. All are, therefore, placed on an equality, and the rights of each are determined by the same standard, and governed by the same law. If, then, you have an anomalous species of property, not recognized by the common law by which the rights of every one clse are determined, then you must submit to whatever inconveniences are incident to that species of property wherever you may take it. Mr. Clay said, in the Senate, July 22, 1850:

44 Nor can I admit for a single moment that there is any separate or several rights upon the part of the States or of the United States, to carry slaves into the Territories under the idea that these Territories are held in common between the several States."

In adhering to any opinion of the illustrious Kentuckian on the question of slavery, I trust no northern man will be charged with fanaticism

If slaves are recognized as property by the common law of the land, by which all of our rights of property in the Territories are fixed, then you can take them there, and hold them as such. the right rests only on local and municipal enactments, then there is no reason for charging the North with a want of fidelity to the compact, but you should rather blame nature, and reason, and the common law of the land, in the enacting of which we have had no part. The decisions of the courts, from the time of Lord Mansfield's decision in the famous Sommersette case, in 1771. down to the present time, have been constant and uniform, that there is no foundation for slavery in nature or reason, but that it must rest for its support solely on local law. The gentleman from Virginia, [Mr. BAYLY,] who has just taken his seat, said that no court in the country had ever decided that slavery could not exist without local law, but that the correct doctrine is, that it could exist unless there was a law prohibiting it.

Mr. BAYLY. With the permission of the gen-

tleman, I will say that in the case of Sommersette

the opinion of Lord Mansfield-

Mr. GROW. I cannot yield to the gentleman to explain Lord Mansfield's decision. misstated his position, he can correct me-

But it has been decided by your own courts, by the highest judicial tribunals of your own States, of Kentucky, Missouri, Louisiana, and Mississippi, that slavery can only exist by positive municipal regulations; and, sir, I have only time to cite a few of them:

" Shall it be said that because an officer of the Army "Stall it do said that because all officer of the Army
owns slaves in Virgilla, that when as efficer and soldier he
holding States or Territories, he thereby has a right to take
holding States or Territories, he thereby has a right to take
with him as many slaves as will soit his interest or convenience. It surely cannot be the law."—Rackael rs.
Walker, 4 Missouri, 354.

"The relation of owner and slave is, in the States of the

"The relation of owner and slave is, in the States of the Union, in which it has a legal existence, a creation of the ununcipal law."—Sup., cent of Louisiana, Louison's ununcipal law."—Sup., cent of Louisiana, Louison's designer; in condemned by reason and the laws of nature. It exists, and can only exist, through municipal regulations, "Dec., court of Missirippi, Harry et al. ex. Decker § Hopkins, Walker's Reports, 42.
"The right of the manter exists not by force of the law."

of nature, or of nations, but by virtue only of the positive law of the State."-State of Mississippi vs. Jones, Walk-

cr's Reports, 83.
"The state of slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of the territorial law."—Sup. Court United States, Prigg vs. Com-monwealth of Pennsylvania, 16 Peters, 611.

And as the law of a State extends not beyond the territorial limits of its jurisdiction, whenever one of its citizens goes beyond that, he is divested of the incidents of citizenship of that State, and takes on those of the State or place in which he may be. He cannot carry his local institutions and their incidents with him, but he takes upon himself the characteristics of citizenship of the place to which he goes.

But it is claimed, even if this law is constitutional, that the legislation of 1850 rendered it " inoperative;" for territory north of this Missouri compromise line was included within the limits of Utah and New Mexico. What if there was, how does that change its character? During the territorial existence of Utah and New Mexico, slavery is just as effectually excluded north of that line as it was on the 6th of March, 1820. For a Territorial Legislature has no power to repeat, or in any way impair an act of Congress. If then the act of 1820, fixing the line of 360 30', is a valid enactment, slavery is of course excluded in all the territory north of that line during its territorial existence, no matter under what local jurisdiction it

may be included.

There was no principle established or act done in the legislation of 1850 inconsistent even with this act of 1820; for there were laws in New Mexico and Utah when we received them from Mexico, prohibiting slavery. And, I take it to be a sound and universally recognized principle of international law, that the laws of a conquered country, not inconsistent with the organic law of the conqueror, continue in full force till changed by the conquering power. Congress refused in 1850 to change them, so they remained valid enactments for the Territory just the same as if they had been reënacted by Congress. And territorial governments were therefore formed, leaving the validity of these laws to be settled by the courts. And why not do the same thing in this case? Here is a law prohibiting slavery in the Territory we propose to organize; so there was in Utah and New Mexico, and we left it untouched there, and to be consistent with our action then, we should do the same thing now. That was the opinion of the chairman of the Committee on Territories in the Senate, [Mr. Douglas,] as expressed in his report on the bill he first introduced, before the addition of the amendments, supersedures, and inconsistencies. And I desire to call particular attention to the following extract from his report made on the introduction of the original bill, the 4th of January last:

[&]quot;As Congress deemed it wise and prudent to refrain

from deciding the matters in controversy then, (i. e. 1850), inter by affirming or repealing the Mexican laws, or by an act decharatory of the true intent of the Constitution and the extent of the protection altofied by it to slave property in the Territories, so your-committee are not prepared now precommend a departure from the course pursued on that memorable occasion, either by affirming or repeating the eighth section of the Missouri ed., or by any est declaratory of the meaning of the Constitution in respect to the legal points in dispute.²³

It is said the South did not ask the repeal of this act, but it is a boon tendered by the North. Admitting it to be so, how stands your excuse. It shows that you are willing to take the benefit of an act after it is performed, and that too by your own aid, which your sense of justice would not justify you in asking to be done. Why not then meet the question fairly, and say that no northern man would ever have thought of making this proposition, unless he supposed that it would be acceptable to you. But, sir, has the North made this tender? In the other wing of the Capitol n majority of northern Senators, representing a constituency of eight million seven hundred and sixtythree thousand seven hundred and fifty, voted against it, while the fourteen votes in its favor represented a constituency of only four million five hundred and seventy eight thousand five hundred and seventy-three, but little more than half as many as the opponents of the bill. And at the first vote in this House on referring the bill to the Committee of the Whole, of the one hundred and two northern votes in favor of the reference, fiftyfour were Democrats, forty-four Whigs, and four Free-Soilers, representing together a constituency of ten million two hundred thousand, while the twenty-iliree votes against it represented a constituency of only two million three hundred thousand. And on the vote a few days since to take up the bill, there were forty-one northern Democrats in favor of it, four of whom are open and avowed opponents of the bill, so that there were but thirty-seven really in its favor, representing a constituency of three million seven hundred thousand, while the forty-two Democrats against it represent a constituency of four million two hundred thousand, and the forty-five northern Whigs a constituency of four million five hundred thousand, so that the entire representation of the North without counting the absentees, is three million seven hundred thousand for the bill to eight million seven hundred thousand against it. And of the ninety-one northern Democrats on this floor, forty-nine are known to be open and avowed opponents of the bill. This, sir, is the record of the men authorized to speak for the North, the record of her delegated agents. And is it not entitled to as much credit and consideration as the proffer of any northern political aspirant with, I will not say southern interests, but " southern principles ?" But it is said, no matter whether the Missouri

compromise is constitutional or not, it has been abandoned by the North, therefore we are under no obligation to stand by it any longer. When was it ever abandoned? Is not that act upon the statute-book to-day? Was it not placed there on the 6th of March, 1820? Has it ever been changed? Does it not stand there still as an act of legislation? Then, sir, how has it been abandoned? Is it because the North would not consent to extend the line of 36° 30° across the continent, as deaired by the South? If extended to the Pacific ocean, so as to end in salt water, the line would be perfectly just and constitutional, so the South constantly declared and voted from 1847 to 1850;

but as the line terminates amid the crags and spurs of the Rocky Mountains, it is unconstitutional and unjust. Sir, the North was under no obligation to extend it over the acquisition of territory from Mexico; for it was an arrangement made to apply only to the Louisiana purchase, and as such it has ever been respected. Had the North consented to ever been respected. extend this line over the territory acquired of Mexico, it would have been an act of suicidal injustice; for in the territorial expansion of the country she would have hemmed herself in upon twelve and a half degrees of latitude, while unlimited expansion would have been open to the South. The wall of British power would hurl back the North, while the Isthmus of Darien or Cape Horn alone would limit the South. For who believes that the territorial expansion of the Republic will not continue till it covers this whole continent? It is one of the incidents of our position resulting from the habits of our people and the character of the nationalities that surround us. While the pioneer spirit presses on into the wilderness, snatching new areas from the wild beast, and bequeathing them a legacy to civilized man, it is in vain you attempt to stay his progress by meridian lines or legislative enactments. The habits of his life and the promptings of his nature are stronger than the river or mountain barriers of nations. And when he has covered this whole continent with the abodes of civilized life, seizing the standard of the Republic, he will bear it across the mighty deep, to regenerate old dynasties, and breathe new life into decayed empires. This, no matter what may be the views of your statesmen or the policy of your legislation, is our mission, our manifest destiny-for energy, enterprise, wealth, and superior intelligence, are destiny-and he who would attempt to stay it may be borne down by the tide, but he cannot change the current.

Why, then, should the North have consented to exclude herself from a participation in the inevitable acquisitions of the future, especially when she had heretofore yielded, without a murmur, the lion's share of all our acquisitions, the whole of Florida, nearly all of Texas, and the half of Louisiana, so that the area of the slaveholding States to-day exceeds that of the free States, including California, two hundred and eighty-five thousand six hundred and eighteen square miles?

But we are told that it is necessary to repeal this act of 1820, in order to give the people their inalienable rights—the right of popular sovereignty. Mr. Chairman, I understand popular sovereignly to be the right of a people to select their own rulers, make their own laws, levy and collect their own taxes. And does this bill permit them to do that, or can it be done under any territorial organization framed by Congress? For when you deprive them of these essential requisites, or either of them, you deprive them of popular sovereignty. What rights of popular sovereignty do you confer or permit even by this bill? You give them no voice in the selection of their rulers, in the levying and collecting their own taxes, for we pay the expenses of their legislation, build their roads, and erect their public buildings, send them their executive and judicial officers, in whose selection they have no choice, and to whom you give a veto power upon the acts of the Territorial Legislature. You thus strip them of all the essentials of popular sovereignty.

It is one of the great and inherent rights of a people, everywhere upon the face of the earth,

to govern themselves. The absolute right of a | people in a civil government is to meet together in mass convention, and enact their own laws, and there elect their own rulers. That is popand there elect their own rulers. ular sovereignty, and the great principle upon which our Government rests—the right of the people to govern themselves. But the inconvenience and almost impossibility of all the citizens of a State of vast area, meeting together for the purpose of enacting laws, makes it necessary to elect representatives for that purpose. Hence, from the necessity of the case, comes representative governments, instead of democracies. So the citizen in every State of the Union, is forced, from the nature of the case, to yield something of his inherent political rights. Your territorial governments, in any shape, are an anomaly in our system of government; and upon the doctrine of absolute popular sovereignty, you should throw your terriritorial governments to the winds, and leave the people to form their own government and manage

their own affairs in their own way. What did the pretended friends of this principle of popular sovereignty do in the case of California, the only case of real popular sovereignty which ever occurred in any Territory of the Union? Many of the gentlemen here who are now so loud in favor of popular sovereignty, protested against the admission of California, because of the exercise of popular sovereignty by her people, in ex-cluding slavery from her limits. Ten southern Senators, five of whom are now in the Senate and strenuous advocates of this bill, entered a formal protest against the admission of California, after her people in convention had framed her organic law, in the exercise of their popular sovereignty, and among the reasons they assigned for dissenting from the bill was that "it gives the sanction of law, and thus imparts validity to the unauthorized action of a portion of the inhabitants of California by which an odious discrimination is made against the property of the fifteen slaveholding States of the Union who are thus deprived of that position of equality which the Constitution so manifestly designs, and which constitutes the only sure and stable foundation on which the Union can repose.'

In the passage of the ordinance of 1787 (for which every southern man voted) it was not then considered that slavery was necessary in order that the States to be formed out of the Northwest Territory might come into the Union on an equal footing with the original States, nor was its exclusion considered degrading to the citizens of the

Popular sovereignty, it seems, is right when it admits or benefits slavery, but wrong when it ackludes it. In the case now before us, the only difference in this bill, and other bills which have been passed for years for the organization of Territories, is the section repealing the Missouri compromise. And it is that therefore which gives this bill its character par excellence of popular sovereignty. And still it is attempted to impose upon the people of the country by the cry of popular sovereignty, when this bill differs not an iota from other bills, save that it repeals a prohibition on slavery.

But any territorial government being an anomaly in our political system, the people who go there must submit to all the conditions incident to that anomalous position during its continuance, which is till the formation of a State constitution. A supervisory power over the Territorisis into not like.

vested in Congress by the Constitution, but, from the nature of the Government, it is necessary that it should have that power. For it would be a strange amountly indeed if the Government should pay all the expenses of legislation over which it has no control. It would be a strange doutrine that a banditul of one hundred, who, being the first settlers of a Territory, should legalize murdet, theft, and aroon, and all other crimes known to the criminal calendar, and thus drive of all respectable clitzens from settling the public domain in their vicinity, and yet Congress would have control or voice in the matter, save to pay all the expense of their legislation and the salaries of their officers. If the power is not delegated in the clause of the Constitution giving to Congress the making of all "needful rules and regulations respecting the territory or other property," it is clearly within the treaty-making power.

A necessary incident of the power to acquire is the power to govern, and the power to govern confers the right to make such laws as the governing power shall think wise and necessary, relative to all subjects of legislation in the acquired Territory. And this power is not, of course, limited to the mere function of administering territory as property, for if it embraces the power of civil government at all, it would as well embrace jurisdiction of slavery as any other institution. And if the power of civil government over the territory is not embraced at all, then why are we legislating for the Territories to-day? Why delegate powers to their Legislature, send them their governors, judges, and other civil officers, fix the qualification of their voters, and pay their taxes? Why, if there be no constitutional power to govern in the Territories, do we deny the citizen, even in this bill, the exercise of the great attributes of popular sovereignty, the right to select his own rulers, make his own laws, and levy his own taxes?

own taxes?

And such is the construction even of some of the ablest living statesmen of the South, but I have not the time to refer to but a few of them:

"I agree with those who maintain that the right to govern the Territories is in Congress."—Mr. Hunter of Virginia, on Oregon bill. July 11, 1845; Appendix Congressional Globe, vol. 19, page 902.

"I do not doubt the power of Congress to make laws for the government of the people who inhabit a territory belonging to the United States."

longing to the United States."

"There is no prohibition to be found in the Constitution in respect to the power of Congress over the question of avery when legislating flat. The state of the property of the power of the power

"To my understanding it is therefore plain, lbal, by the trealy-making power, we have express authority to acquire territory; and by the provision I have clied, Congress has express authority to legislate for it when acquired. Now, sir, upon this power what are the restrictions and where are they to be found? There are plainly none in the Constitution itself: ".—Mr. Badger, of North Carolina, Appendix Congressional Globe, vol. 19, page 1174.

The inhabitants of a Territory, till the formation of a State constitution, must, therefore, from the necessity of the case, he subject to the supervision of Congress. They go out in the territory in the first place few in numbers. They go to contest with the savage and the wild beast the dominion of the wilderness, and are not of sufficient numbers, strength, and wealth to protect themselves alone against the uncivilized communities around them. Therefore the General Government pays all the expenses of their government, builds their roads, and erects their public buildings, and, as a consequence, appoints their executive and judicial officers, and yet the country is told that we extend

alar sovereignty, and Congress has no heir legislation. That is not the conthe Constitution, as given to it by its ne judicial interpretations of the highest the land, by the action of the Governe day of its organization to the present the opinions of the most eminent the Republic, living and dead. Mr. Congress, in 1790, on a question of abolition memorial, is thus reported in lume of Elliot's Debates, page 213: d to the western country, and to the cession

of Georgia, in which Congress have certainly the power to regulate the subject of slavery; which shows that gentle-men are mistaken in supposing that Congress cannot coa-stitutionally interfere in the business in any way."

And on the constitutionality of the proposition to tax slaves imported into the States, he said: "Every addition they receive to their number of slaves.

tends to weaken and render them less canable of self-de In case of hostifilies with foreign nations, they will be the means of inviting attack, instead of repelling inva It is a necessary duty of the General Government to sion. It is a necessary duty of the General Governmento protect every part of the empire against danger, as well internal as external. Everything, therefore, which tends to intereate this danger, though it may be a local gdair, set if it involves national expense or safety, becomes of concers to every part of the Union, and is a proper subject for the concern to the contract of the Covernment. "—Debute in Congress (old series) by Galass & Seadon, volume 1, ware \$33. Gales & Seaton, volume 1, page 353.

Such was the opinion of the man who had most to do in framing the Constitution of the United States. If then this power be not in violation of the Constitution, what right have the South to complain of its exercise because it is unpalatable to them? Did they not bind themselves to submit : to whatever condition the carrying out of that Constitution imposed upon them as well as upon

the North?

But, it may be asked, why should the North care what kind of institutions a people select for themselves? Sir, so far as I am concerned as a Representative on this floor, I have no sentimentalities in reference to the institution of slavery as it exists in the States. It is there a local institution, under the protection of local laws, and it is no concern of mine any more than any other of the do-mestic institutions of the States. I would leave it there unmolested and undisturbed, with the people of each State to devise in their own time their own But in this case we are called on for remedies. positive legislative action-by our votes-to open to the introduction of slavery a vast empire from which it is excluded by positive law. Not satisfied with the settlement we made with you in 1850, by which we agreed to waive the exercise of what the North regarded as a constitutional right, you now ask us by our votes to permit slavery to go into territory from which it is excluded by the law of the land. My answer to such a proposition is the language of your own immortal Clay:

"I will never vote, and no human power will ever make me vote, to spread slavery over territory where it does not

now exist. 32

And I might add the not less emphatic language of his equally illustrious compeer, the veteran Senator of Missouri, [Mr. Benton,] who to day honors his constituents with a seat on this floor. It was almost the dying declaration of the one, and having lived as a sentiment for more than half a century in the bosom of the other, it will, without a doubt, continue among the legacies that he will bequeath to the generations that are to come after him.

But gentlemen tell us that slavery cannot go there, by reason of climate and soil. There are,

to-day, north of the parallel of 360 30', eight hundred and sixty-three thousand five hundred and eighty-nine slaves, being more than a fourth of all the slaves in the entire Union. If climate and soil, and the laws of nature and God, will keep slavery out of Kansas, why have they not expelled it from Missouri, Kentucky, Virginia, Maryland, and Delaware, during the two centuries since its first introduction there? With the same latitude, the same soil, and the same climate, the number of slaves has been constantly increasing in all these States except Delaware and Missouri. What differences of climate and soil, what different laws of nature and God, are to operate in the Territory of Kansas to prevent it from becoming a slave State, if this bill passes? But if slavery cannot go there, why repeal this act? Why excite anew angry sectional feelings if nothing is to be accomplished by it? In my judgment, if this bill passes, Kansas will become a slave State; and yet northern men are asked to effect this by a positive legislative act by their votes. If the Missouri act is constitutional, what cause of complaint can there be because we refuse to repeal it? And while there is a tribunal that can annul it, why ask us to vield our convictions on a controverted point?

But a reason urged in and out of this Hall by the opponents of this bill is, that you are voting with Abolitionists! Is there a man upon this floor so craven that he will refuse to utter his deep convictions, and vote the sentiments of his heart, because he will stand on the record with some man whose opinions, on other questions, he does not approve? The men who urge that reason libel their own integrity of character no less than the injustice they do to others; for no honorable man will prescribe a rule of conduct for others that he would not be governed by himself. For myself I shrink from no companionship on the record, when my judgment approves the vote; it is no difference to me who I vote with. Nor have minorities any terrors for me, or for the con-stituents I represent. They stood alone in the Keystone in the last great battle for the supremacy of free and untrammeled commerce. Traduced by almost the entire press of the State, aided by the corporate capital of the Commonwealth—as false to Pennsylvania interests and recreant to their party obligations as Pennsylvania Democrats-yet uncorrupted by patronage and unawed by power, they rallied around and upheld the banner of free trade and unrestricted commerce, which they had thrown to the breeze in 1844, while the standard of Democracy trailed in the dust in almost every other portion of the Commonwealth. When satisfied that they are right, they stand by their convictions in sunshine or in storm; and their representative, if true to them, will do the same.

But it is said that it is necessary to repeal the Missouri compromise, in order to take the ques-tion of slavery out of Congress, and to quiet agitation by removing it from the political arena How will the passage of this bill do it? Would there not still exist the same reason for demanding the repeal of the ordinance of 1787 in Minnesota, the proviso in Oregon, and the Mexican laws in Utalı and New Mexico.

Those who make this declaration, with so much apparent sincerity, either do not understand the real sentiment of the North, or they fail to comprehend aright the springs of human action. Sir, you are raking open and fanning into a flame coals which were already smothered, and which, if left alone, would have buried themselves forever in their own cinders. The injudicious legislation in this Hall in reference to slavery is the origin of political-Abolitionism, and has given them all the strength they possess. Previous to the passage of the 21st rule, Abolitionism was but a sentiment, and a mere sentiment is not a sufficient basis for a formidable political organization. But when great principles of constitutional right are violated in the legislation of a country, legislative acts, combining with a strong and universal sentiment, may form enduring political organizations. And the senti-ment of the North in reference to slavery being deep and general, when you force up legislative issues to combine with it, it then becomes a formidable element, as illustrated in the canvass of 1848, when, notworkstanding the strength and power of the Democratic party, its standard bearer was stricken down on an issue similar to the one you are now forcing upon the country. I refer to that result in no spirit of exultation or taunt, for I was then one of the ardent supporters of the veteran statesman of Michigan; and after giving my best efforts, during the canvass, to his success, it was with a sad heart I received his final defeat.

In that canvass New Hampshire was the only northern State in which the Whig and Free-Soil vote did not exceed the Democratic. And who that knows anything of the real sentiment of the North, does not believe that that combination would be augmented a hundredfold on this issue? For then the Whigs were divided in sentiment on the slavery question, now they are a unit. And the organization of the Democratic party having lost most of its power over voiers, must, under this issue, go into a hopeless minority in the northern States. The two hundred and ninety-one thousand voters, who in 1848 separated from their old a forlorn hope; would, in my judgment, when again mustered into service, become, instead of guerrillas, a standing army to strike down the staff officers of the Democracy on this issue, as they did in 1848. The same consequences, it seems to me, must be the result. Not having approved of the movement at that time, I therefore speak of it freely "as philosophy teaching by example."

But, sir, as an early and constant friend of this Administration, I desire the defeat of this bill; for its passage will, in my judgment, insure, beyond a doubt, an anti-Administration majority in the next Congress. As an earnest and devoted friend of the Democratic party, to which I have cheerfully given my best energies from my earliest political action, I desire the defeat of this bill; for its passage will blot it out as a national organization, and, leaving but a wreck in every northern State, it will live only in history. As a lover of peace, harmony, and fraternal concord among the citizens of the Confederacy, and as a devotee at the shrine of this Union, with all its precious hopes to man, I desire the defeat of this bill; for its passage will tear open wounds not yet healed, lacerate spirits already frenzied, and "the bond of confidence which unites the two sections of the Union will be rent asunder, and years of alienation and unkindness may intervene before it can be restored, if ever, to its wonted tenacity and strength.'

I would say in all kindness to the Representatives of the South upon this floor, that if you would strike down the true men of the North who have ever, with manly inflexibility, maintained, your constitutional rights against all fanatical assaults, you have but to force upon them the passage of this bill as a political issue; and when, by

your own deliberate act, you have virpact of freedom, entered into in g your fathers as a settlement of contests, observed by them while living tained as such by all sections of timore than a third of a century, you destroyed the last breakwater that surpour rights and the surges of norther ism; and, having thereby ingulfed you must be content to bare your ow its heaving billows. Is a reckless in your behalf to the deep-seated convironthern mind the part of wisdom?

interest to lash tinto a frenzy on a mere assistant on that you claim to be of no practical benefit? For what, though you repose in a fancied security, that as a last resort, you have a remedy equisit all aggressions, real or imaginary, in a dissolution of the Union? How would you derive greater security by making the Ohio river, instead of the Nisagra, the line to divide slave from free territory? How would it render your property any mors accure by fixing a meridian line as a national boundary along the very borders of your present limits?

Security, sir, in a dissolution of this Union ! It would be the security of the maiden who conceals in her bosom the poignard that in the last extremity is to take her own life, after it has drank the life-blood of the aggressor. It would be the security of the strong man who, laying hold on the pillars of Gaza, buried himself with his foes in a common ruin-it is the security of despair, enveloped in darkness and woe. For if ever the starry banner of this Union shall cease to float the emblem of a united Confederacy the last hope of the oppressed will go out in darkness, and a pall of midnight gloom will hang over his future. If ever yonder eagle, torn by faction and strife, shall fall rent and dismembered, it will be the knell of man's political rights, the death-sigh of liberty on earth. lf ever, in our national disasters, this event shall fall upon us, humanity will be shrouded in mourning, and despair will pall the future of man.

The American is, therefore, bound to this Union by the glories of the past and the hopes of the future, by the love which he bears to his offspring. and by the sympathy that throbs warm in the heart of man for the woes of his race. The Constitution and the Union of these States-the proudest monument ever reared to the wisdom of man-and if ever folly or fanaticism shall lay it in the dust, freedom, heaving her last sigh, may wing her way Strike out this last back from earth to heaven. beacon light, this polar star to guide the political mariner over the troubled waters of revolution and reform, and his tempest-tossed bark, dismantled and rudderless, will sink beneath the waves, and the winds of heaver, will bear to the ends of the earth the wailings of despair as they come up from crushed humanity. But, sir, I harbor no such gloomy forebodings for the future of my country and race. I trust in God that when the angel shall take his place, with one foot upon the land and the other upon the sea, to proclaim to the world that time is no longer, the banner that waves so proudly o'er us to day will still float out with its proud motto inscribed upon its folds in letters of living light.

Sir, this is the only element of discord that can ever sunder the bonds of this Union; and there is one method to render even this harmless. And that is, faithfully to observe all'the compromiser and reconciliations of its conflicts, and henceforth

banish it forever from these Halls.

THE WRONGS OF KANSAS.

SPEECH

OF

HON. JOHN P. HALE,

OF NEW HAMPSHIRE.

IN THE UNITED STATES SENATE, FEBRUARY, 1856.

TUESDAY, FEBRUARY 26, 1856.

The Senate resumed the consideration of Mr. Wellen's notion to print len thousand extra copies of the President's message of February 18, with 'the accompanying documents, relative to affairs in the Territory of Kansas.

Mr. HALE. Mr. President, I intend to reply somewhat at length to the remarks which have been made by the Senator from Tennessee; but as he made a personal allusion to me, I prefer to answer that now; because I recollect that a distinguished Senator from South Carolina, some three or four Years since, delivered, as I thought, a well-timed reproof to somebody who postpored a personal explanation for a number of days. I wish, therefore, to dispose of that part of the Senator's speech now.

The honorable Senator from Tennessee began with a lamentation over the degradation to which the Senate had been reduced. He said it was not what the old Roman Senate ought to be, and what he thought it was when he was studying Viri Roma. He said it had become reduced exceedingly: and he proclaimed to the Senate, and to everybody who chose to listen to what was going on in the Senate, that he was about to make an elevated speech; that he was about to confine himself to what was worthy of the subject and of the Senate. It is very true that he did out in a sort of a careat, that in the excitement of debate he might be led to utter something which would not be exactly the thing; but for that he begged pardon beforehand. He probably knew about what he was going to say, and he put in the caveat-" if he should in the excitement of de-Well, sir, he has had all the debate to bate." himself. Nobody on earth has said anything to excite him but himself. He did, however, succeed in getting up the excitement of debate solo altogether, so as, I think, to work himself up to such a pitch as to say something which, if it be the elevation to which he seeks to raise the Senate, I pray God to leave it in its degradation; I do not want that elevation. One of the phrases with which this refined era of elevated eloquence is inaugurated in the Senate, is "the filth and corruption of negro cabins," That is one speci-

men. Another, to which I wish to call the attention of the Senate, is that in which the Senator attributed my return to the Senate to the care which the devil takes of his own. I think that is right.

Sir, you know who brought me back here. It was the President of the United States, and no-body else, who has done it. If it had not been for the course which the President of the United States took upon this very subject—if it had not been for the manner in which he outraged public sentiment in his native State, so that he has not got a single friend from that State in either House to say "God bless him!" I should not have been here. That is the devil who took care of me—the President of the United States. [Laurhter.]

Sir, I am glad that the Senator from Tennessee referred to the Rhode Island case. In a day or two-I can do it to-morrow, if it is thought best-I propose to show you where the President of the United States stood on that issue. I will show you the ground of the President of the United States upon the doctrine of popular sovereignty, in its application to Rhode Island; and if the learned Senator from the State of Connecticut [Mr. Toucey] is booked up, and will enlighten the Senate a little, he can tell you where Connecticut stood at that time. When Thomas W. Dorr was a fugitive from the Government of Rhode Island, and found it convenient to emigrate, the first place to which he went was Connecticut; and I think I am not mistaken in public history wher a I say that he found a sympathizing friend for his: doctrines in the Senator from Connecticut. Hestayed there as long as it was prudent and agreeable to stay, and the next place to which he went was New Hampshire. There, sir, the most ultra. sympathizing, superlatively sympathizing friend: whom he found was a man who is sometimes : called "Young Hickory," but who was christened FRANKLIN PIERCE. That was the man who endorsed, to the fullest extent and in the broadest. terms, the whole doctrine of popular sovereignty. as it was proclaimed in Rhode Island by Dorr. have got some resolutions which were then passed in New Hampshire, and I will bring them in and serve them just as the Senator from Tennessee is

us-embody them in my speech-but I will read them first.

The Senator appealed to me personally. He said that I would have the candor to say-but he took it back afterwards, and said I was all made up of prudence. He said, at first, that I would have candor enough to acknowledge, that if the Missouri Compromise was repealed, our war would not stop. I understood him first to say that I had candor enough to acknowledge it; but he took that back, and used the future tense. said that he thought I would have candor enough to acknowledge that, if the Missouri Compromise was repealed, we would not carry on this war until the last manacle was stricken from the last What war? What war? aggression has the North ever been concerned in? Sir, I am tired to death of this talk. What does the Senator from Tennessee think? Does he think that, by repeating over and over and over again "Northern aggression," all history is to be falsified; that we are to be thundered out of our common sense by this denunciation of Northern aggression? What is it?

Why, sir, I suppose it was Northern aggression that repealed the Missouri Compromise! Was it not? It was Northern aggression that made war upon Mexico, and took such a great portion of her territory, and blotted out the restriction of Slavery, which that semi-barbarous people had imposed upon that portion of God's earth which fell to their dominion? Was that Northern aggression? It is Northern aggression which has held possession of the high places of this Government-in your chair, sir, in the Presidential chair, on the bench of the Supreme Court! It is Northern aggression that so carves out this country that a vast majority of the people inhabiting the free States are kept in a perpetual and eternal minority in that everlasting citadel of Slaveryyour Supreme Court of the United States. It is Northern aggression, I suppose, that has done all this. Sir, I had heard this term so many times, that I had begun to suppose people would be tired of using it. What have we done? We have stood on the defensive. We have always been in a practical minority here, because you have bought up doughfaces enough to control us. We

have always been in a minority practically. Now, then, let me explain our position. Senator says I would fight. No, sir; I would not fight at all; but I would defend; and that is all we have done. We have never made aggression, and we never mean to do so. The difficulty is, that our people have not even stood upon the defensive; but I thank God that the indications of the present day seem to promise that the North have at last got to the wall, and will go no further. I hope so. The Senator says there may be a power that shall say, "Thus far shalt thou go, and no further." Good! good! Sir, I hope it will come; and if it comes to blood, let blood come. But I tell your President of the United States, who threatens to send his myrmidons to him fire. I tell you, the first Federal gun that is seat in the body. He did not escape it. No man fired to shoot down one of those inhabitants, will has come to the atmosphere of Washington.

going to do that little book which he held up to echo and reverberate over the hills and the valleys of this land; and he will find that, like Roderick Dhu's men, the freemen will come up, and the fight will not be all on one side. No, sir; if that issue must come, let it come; and it cannot come too soon.

I am sorry that we confirmed Shannon; because I think, if this issue is to come, the President had better send out as Governor of Kansas a real fire-eating slaveholder-a man who believes that Slavery is a divine institution, established by God, and sanctified by Christ, as it has been proclaimed to be in some official papers of the Southern States. Let him send such a man as that, and let the issue-if he is determined to make it-come.

Sir, the Senator from Tennessee seems to talk of the Puritans of New England, as if that were Did he a term synonymous with cowardice. ever read the history of the Puritans? I tell you, sir, the Puritans of Old England rode hard all over England, to get the sight of the backs of some of the Cavaliers, and could not find them. [Laughter.] Sir, it was a motto of Cromwell to his Puritans, to trust to Providence — that is well, said he—but look to your ammunition, and "keep your powder dry." That was a part of the Puritanical code of those days. The Senator is altogether mistaken in the character of these We are not quick to get into a quarrel, people. personal or political, of any sort, and he knows it. We are yielding, and he knows it. We have yielded. We have seen the power of this Government, for the last fifty years, exerted, with an almost single aim and purpose, to extend, foster, perpetuate, strengthen, and render eternal, the institution of Human Slavery. We saw it in the annexation of Texas-avowedly so by the Secretary of State. For what else was the Missouri Compromise stricken down? And yet the Senstor speaks of Northern aggression, as if we had been making war.

Sir, the doctrine which has been proclaimed by the men about whom I know anything, en-gaged in the Anti-Slavery enterprise of the North, has always been, that they disclaimed and denied utterly the purpose, the desire, or the power, to interfere with Slavery in any State where it exists. They never proclaimed any such thing, and it cannot be found. The most nltra of them, in the first national meeting they ever held as a Convention, utterly disclaimed it.

The gentleman speaks of some times past, and of some eras gone by. I do not know that the era has gone by when the North is to be driven. I do not know whether the honorable Senator thinks that Senators on this floor, representing the views of their constituents, are to be silenced by such personal assaults as have been made on the Senator from Massachusetts, [Mr. Wilson.] I can tell the Senator from Massachusetts not to be alarmed. I have experienced it all, and more. His colleague, my honorable friend, [Mr. Sum-NER,] felt it all, and a great deal more. He is a man whose character conferred more honor on shoot down the free inhabitants of Kansas, let the Senate than the Senate on him, by taking his

anon Fol Briggs

and who has brought with him anything of fidel- | stand it, was got up before the passage of the ity to his Northern constituency, who has not found all such influences as these brought to bear to crush and break him down. Well, sir, this attempt may succeed, and it may not. I can pardon a great deal to gentlemen thinking it may succeed, because I know that in the bistory of the past it has succeeded, and therefore they may be encouraged to make these demonstrations.

Now, sir, I confess that I have not been favorably impressed by this inauguration of the new eloquential era in the Senate; for the Senator from Tennessee closed his speech with the illustrions figure of the bowie-knife; and he threatens that we shall have war to the knife, and the knife to the hilt. Sir, Puritan blood has not always shrank from even those encounters; and when the war has been proclaimed with the knife, and the knife to the hilt, the steel has sometimes glistened in their hands; and, when the battle was over, they were not always found second best. I confess I am sorry to see such things introduced here. I had hoped, after such a peaceful inauguration of this speech, after such pious proclamations of the clevated tone with which this discussion was to be carried on, it would not end with a war to the hilt of the bowie-knife; but, sir, I am mistaken - tastes differ.

Now let me state, all that we ask, all that we desire, all that we claim, is this: If you like Slavery, keep it; nobody finds any fault with you for doing so. We disclaim any purpose, any wish, to interfere with it in the States; and whatever the Senator may say, I defy him-I defy any man with whom I have ever come in interconrse in the Senate, or in the other House, or in social life-to say that ever I have allowed myself to use an opprobrious or insulting epithet; nay, more, an epithet calculated, or designed, or intended to wound, or injure, or hurt any man's feelings. God knows I have had too bitter experience in my own history of such attempts, to return them, even to the humblest of my species. No, sir; I have done nothing of that sort. What do we desire? We desire, as I understand Southern gentlemen to profess, "hands off." They say the General Government has no jurisdiction over Slavery. Agreed; that is all we want. When you passed your Kansas bill, you claimed that it was to be left to the unbiassed voice of the free settlers. We were willing to have it so; but the complaint is, that we have not had that. And the Senator admits, if I understand him, that wrong has been done there; but it is justified as a measure of retaliation on the Emigrant Aid Societies! The Senator says this is the first time he ever heard of those societies. Well, sir, it is not the first time I ever heard of them. If I have read history aright, there were Emigrant Aid Societies got up in England, to colonize Virginia.

Mr. JONES, of Tennessee. I said in the United States.

Mr. HALE. Well, sir, Virginia is in the United States. [Laughter.] Virginia was settled by Emigrant Aid Societies, and so were most of these Colonies. This Emigrant Aid Society, if I under-

Kansas bill. Again: The Senator asked, Why this alarm about the border ruffians? Sir, the alarm is because we believe the power of the Federal Government has been arrayed on their side. I think the order of the Secretary of War to which the Senator from Massachusetts alluded was justly obnoxious to the very censure with which he visited it; and that is, that while it instructed the officer commanding the troops of the United States to put down any insurrection, it did not say a word about repelling invasion. The Senator endeavors to get around this point by saying that was in the proclamation; but, while it was in the instructions of the officer to put down insurrection, there was a silence about invasion; and therefore I say the document is justly obnoxious to all the censure which the honorable Senator from Massachusetts put on it; and a great deal more, which, please God, I will endeavor to administer when the occasion comes. The Free State men of Kansas Territory appealed to the President, and asked for protection; and what does he tell them in response? He tells them that he sends officers there to put them down if they are guilty of insurrection. That is

I am not disposed to go into this matter now. I have not time to go into it at present. I have said thus much, simply because there was a personal appeal made to me by the honorable Senator. At a suitable time-and in regard to that I shall be governed very much by the opinions of the Senate-I propose to address myself to this subject; and I will endeavor to meet, if in my power, as well as I can, some of the assumptions that have been made. I believe it is a great issue; and I rejoice to agree entirely and totally with the assertion with which the honorable Senator from Tennessee started, that we had things at home which we should attend to before going to look after England and Central America. Sir, we had better look to the centre of the United States than to the centre of Europe, or of any other country on God's earth. In that sentiment of the Senator I entirely agree; but as the usual hour for the adjournment of the Senate has arrived, and as I am not prepared to go on now, I move to postpone the further consideration of this subject until Thursday next.

THURSDAY, FEBRUARY 28, 1856.

Mr. HALE. Mr. President, I shall enter upon the discussion of this subject-which I believe to be an important one-not so much for the parpose of replying to the honorable Senator from Tennessee, [Mr. Jones,] as to meet a challenge which has been thrown down from another quarter. I may say a few words in reference to one or two of the positions of the Senator from Tennessee, in the course of the remarks which I shall submit to the Senate; but, in regard to all that which was personal, a night's reflection has satisfied me that I had better not reply to it. I have no doubt the Senator feels more grieved at it than I do; but I will not say a word about it; I will not even ask leave of the Senate to print any remarks upon that point. I only ask leave to have

those remarks, I might very well do so, if I saw

But, sir, I rise for the purpose of replying to a challenge which I consider has been thrown down by the President of the United States-challenging the commendation and approval of the Senate and of the country of the course which he has seen fit to pursue in relation to Kansas affairs. That challenge I gather from the remarks made by a personal and political friend of the President—the Senator from Connecticut [Mr. Touomy -in these words:

"Mr. President, I desire to say a few words before this subject passes from the Senate. I do not see how it was possible for the President of the United States to take any other course than that which he has adopted, as stated in the papers now on the table, without an utter abandon-

meal of his constitutional duty."

Again, sir, the Senator from Connecticut said: "What right, upon this state of fects, had the President of the United States to interfere? Had he any right to inof the Onited States to Interfere: Rad ne any right to in-quire into the validity of elections? No more than he would have had in regard to an election in Baltimore, or Boston, or New Orleans. He had no power. He omit-ted the performance of no duty, because he had no power and no right to make inquiry in order to interfere in the elections."

Further:

"I undertake to express the opinion, for one, as an humble member of this body "---

said that distinguished Senator-

that we have no intelligence of any fact or of any state of things that would justify an interference with military power by the President with the troubles of Kansas, down to the period of which I am speaking.

That is the challenge, three times repeated, and repeated in such hot haste that it was put in on a motion to print. Entertaining the views which I do, I could not, it seems to me, sit still in honer and permit such a challenge as that to go forth to the country unanswered. I take issue with the Senator on every one of the propositions: I deny them. I say that the President has omitted his constitutional duty, and that there was a state of facts which would justify and call for his interference; and I will prove it out of his own month. The Senator from Connecticut goes on in his remarks, and styles the Convention lately assembled in Kansas Territory, for the pnrpose of organizing a Constitution, "a spurious Convention." The President calls it "revolutionary"-the Senator from Connecticut, "spuri-I will not pursue that point further now; for, in order to meet this subject in the manner in which, in my jndgment, it onght to be met, requires a little broader range of discussion than possibly may have been heretofore indulged in; and to do that, I shall go back to view the state of the country at the time of the passage of the much-talked-of Kansas act, and to present-or rather re-present-to the Senate and the country the showing of its friends upon which it was passed.

When that bill was under consideration before the Senate, it was stated over and over, and over again, and declared by numerous Senators here to be a conceded fact, that Slavery never was to go into the Territory of Kansas. I shall make no assertion which I am not fortified with proof to sustain. It will be found, to proceed in the reg-

it understood that, if I chose to reply to any of ular order of the proof of this statement, that Mr. Pettit, of Indiana, in a speech delivered February 20, 1854, which is to be found in the twenty-ninth volume of the Appendix to the Congressional Globe, on the 218th page, says:

" Here let me say to gentlemen of the South, that while I regard this as a mere shadow to them, it is removing the ban under which their citizens have labored; but it is not giving them any substantial, tangible, lasting benefit; and there is therefore the more reason why we of the North should at this time remove this restriction."

These two Territories-Nebraska and Kausas-now in their incipient stage, just in their birth, will, when they come to their manhood, be free; for Slavery will not

prosper there."

That was the opinion of Mr. Pettit. Next in the order of time, I think, is a remark made by Mr. Hunter, of Virginia, which is to be found in the same volume, on the 224th page. Mr. Hunter

"Why should the North object to the removal of this restriction, and object to the passage of this bill? So far as the question of the extension of Slavery is concerned. is it to them a maner of any practical importance whether this bill passes or fails? Does any man believe that you will have a slaveholding State in Kansas or Nebraska ! I contess that for a moment I permitted such an illusion to rest upon my mind; but, upon a further examination of the subject, I came to the conclusion that it was utterly hopeless to effect any such thing.'

On the 27th page of the same volume will be found this remark of Mr. Brodhead, of Pennsylvania:

"I have said that the question is of no practical imoriginee; for every sensible man knows, and every candid man will admit, that soil and climate forbid the introduction of slaves in the Nebraska region, which is all above 36° 30'."

Then, sir, in the opinion of that honorable Senator, this was "so plain that no sensible man could possibly be ignorant of it, and no candid man could deny that, north of 36° 30', soil and climate forbade the introduction of slaves;" and this, notwithstanding the fact that a large portion of Missouri, Maryland, Virginia, Delaware, and, I think, Kentucky, lies within the same parallels of latitude as Kansas. Notwithstanding these physical facts, the impression that Slavery could not and would not go to Kansas, was so strong on the mind of the honorable Senator from l'ennsylvania, that he said nobody but a fool was ignorant of it, and that nobody who had a particle of candor would deny it. This statement was pnt forth in the Senate, and gentlemen sat and heard, and nobody said "nay" to it; and so far as silence gives consent, it was admitted that every sensible and every candid man knew that Slavery could not go north of 36° 30'

Well, sir, the proof does not stop there. The next gentleman whom I will quote is Mr. Badger, of North Carolina, then a member of this body. His speech will be found in the same volume, on

the 148th page. He says:

"I think, Mr. President, it is in the highest degree probable that, with regard to these Territories of Nebraska and Kansas, there will never be any slaves in them. I have no more idea of seeing a slave population in either of them, than I have of seeing it in Massachuseits; not a

That is quite as strong as Mr. Brodhead. But, sir, I have more testimony. In the same volume, on page 318, I find that Mr. Toucey, of Connecticut, asks,

"Why should Vorthern men object to it? Will the lu-

estimation be likely to prevail in those Territories? Climate, soil, the productions of the soil, forbidd it. The laws of nature forbid it. The sume general causes which expelled that institution from the Northern States, and pushed it south to the line which now bounds it, would preclude it from that region, or expell it if it came."

In the same volume, on page 162, we have some more testimony, though not from a friend of the bill. Mr. Everett, of Massachusetts, says and remember he was speaking in the Senate—

"I believe it is admitted that there is no great material interest at stake. I think the chairman of the committee, (Mr. Douglas, the Senator from Kentucky, Mr. Dixon, and periaps the Senator from Tenuessee, [Mr. Jones,] and periaps the Senator from Tenuessee, [Mr. Jones,] and periaps the Senator from Tenuessee, [Mr. Jones,] stake. It is not supposed that this is to become a shaveholding region. The climate, the soil, the stuple productions, are not such as to invite the planter of the neighboring States, who is disposed to remove, to turn away from the cotton regions of the South, and establish himself in Kunsan or Nebraska. A few domestic servants may be everybody, I am sure, admits that Kansas is not to be a slaveholding region, and if not, certainly not the territory and of other services.

If there was anybody present who did not admit what Mr. Everett said he was sure everybody admitted, I do not know but that it was due to candor for that somebody to get up and suggest to Mr. Everett, as he had not been here a great while, and might not be posted up in all the news on the subject, that he was a little too fast, and that there was somebody who did not admit it. But, sir, there was no one to do that; he was not corrected, even by the honorable gentleman from Georgia, [Mr. Toombs,] who, whatever other failings he may have in the eyes of those who differ from him on this subject, I believe never was accused of any want of candor in the avowal of his sentiments. Even he heard that distinguished scholar and near-sighted politician at that time solemnly declare that he was sure he knew that everybody admitted that Kansas was not to be a slaveholding State; and if that was not, why, of course, Nebraska was not.

The next testimony I have is that of Mr. Thomson, of New Jersey. In the same volusae, on the 257th page, he quotes Mr. Everett. Mr. Everett, then, did not stand alone; he was endorsed; several gentlemen got up and added that they knew the same thing, and amongst them was Mr. Thomson, of New Jersey. He says:

"It has been well and truly said, by the distinguished Sensior from Massachuseus, [Mr Evereti]"-

and then he goes on and quotes what Mr. Everett said, adding to the declaration of Mr. Everett his own, that it was "well and truly said." important declaration of Mr. Everett, of a fact that "everybody knew," and endorsed by Mr. Thomson, was further endorsed, in the same volume, on the 249th page, by Mr. Brodhead, of Pennsylvania, who quotes the same extract from Mr. Everett that Mr. Thomson did. But Mr. Brodhead was not content with that; he thought that, although Mr. Everett knew it, and everybody-else knew it, he could add a little force to page I have quoted, that what Mr. Everett said was true; and, so far as the book shows, uobody contradicted him.

Well, sir, the evidence does not step there. There was another Senator, whom I regret not to see in his place this morning—an authority on this subject whom I have no doubt would be listened to with great pleasure by the Senate. Mr. Cass, in the same volume, page 270, says:

"I do not think the practical advantaces to result from the measure will outweigh the injury which the lil feeling fated to accompany the discussion of this subject through the country is sure to produce. And I was confirmed in this impression by what was said by the Senator from Tennessee, [Mr Jones, 19 the benator from Kentucky, [Mr Jixon.] and by the Senator from North Carolina, [Mr Badger], and also by the remarks which defined the Senator from the Senator from the Senator from the South never will derive any benefit from this mensure, so far as respects the extension of Slavery; for, legislate as we may, no human power can ever establish it in the regions defined by these bills."

That was the evidence before the Senate. I have given the opinions of Mr. Pettit of Indiana, Mr. Hunter of Virginia, Mr. Toucey of Connecticut, Mr. Thomson of New Jersey, Mr. Brodhead of Pennsylvania, Mr. Badger of North Carolina, Mr. Everett of Massachusetts, (who quotes, as sustaining him in his opinion, "what everybody knew,") Mr. Douglas of Illinois, Mr. Dixon of Kentucky, Mr. Jones of Tennessee, and Mr. Cass, (who quotes all these.)

These sentiments went out to the country; they were spread far and wide; and if the testimony of an honorable Senator from Alabama (Mr. Clemens)-not now a member of this body-is to be believed-and I have never heard his word questioned-the fact is that, in an interview with him, the President of the United States told him it was "a great measure of Freedom." That sentiment went abroad, only confirming what "everybody knew" before, (as Mr. Everett says,) that Slavery never could go there. What was the result of the dissemination of these views? You could not meet a politician who defended this action in any of the States in which I was, (in my own State and others,) anywhere, who was not not ready to prove to you that Slavery never could go to Kansas, and that this was a great measure of Freedom. Why, sir, I heard that argued and reargued, just as long as I had the patience to listen to it.

The act was passed. It was passed on this showing, and on this pretence; and, so far as I listened to the debates—for I happened to be here during a part of them—or as I have read them since, I do not remember that a single man upon the floor of the Senate uttered a different sentiment—

Mr. SEWARD. I hope the honorable Senator will excuse me for saying that I certainly did.

Mr. HALE. If the Senator had waited until I got through with the sentence, he would have seen that there was no necessity for his interruption. What I meant to state was, that I did not know there was a single man who advocated the bill who contradicted it—not one.

body else knew it, he could add a little force to that knowledge; and he went on to prove, in the corre; for General Atchison, who had perhaps course of some remarks that will be found on the more to do with the bill than any other Senator, page I have quoted, that what Mr. Everett said openly arowed that he would not to too for it was true; and, so far as the book shows, uobody except on the ground that it would remove the contradicted him.

there as chose to do so. You will find that that

was his opinion, and he maintained it.

Mr. HALE. I do not know but that it may have been so. I am speaking from recollection. I have read Mr. Atchison's remarks as well as I could, and I do not find that he so stated in the Senate. He was then the Presiding Officer of this body and he did not speak on the bill at length; he spoke casually once, and I think but once, though he might have spoken twice; but his remarks were exceedingly brief. He has since avowed the sentiments alluded to by the Senator from South Carolina; but I think it will be found, by a reference to the record, that I am correct. I do not speak unadvisedly on this point, for I have looked over the record very lately, and I think it will be found that I am correct. That the honorable Senator from Missouri (Mr. Atchison) at that time entertained such sentiments, I will not undertake to deny. What I am saying is, that, so far as I have learned, and so far as I have been able to find by examination, not a solitary man who advocated the bill in the Senate intimated a different opinion from that which I have quoted from various Senators-that Slavery would not go to Kansas.

Sir, the promulgation of those opinions here furnished an abandant argument for all the lesser lights of this new order of Democracy, who are to be found scattered all over the land. There was hardly a postmaster who was not posted up in it. There was not a man who held or wished to hold an office under the General Government, in the Northern States, who was not ready to argue this question, and argue it exactly on this showing: that it was a great measure, calculated to produce equality among the States, but without the least possible idea that any practical consequences as regards the extension of Slavery would result from it. Sir, let me ask you, if these men, who were not so well posted up, were not justified in saying so, when Mr. Everett-who not only knew it himself, but knew that everybody else knew it-declared that Slavery could

never go there?

What was the result of the passage of the Kansas act? You declared, when you passed it, that it was done with the view of removing the great restriction imposed by the Missouri Compromise, and opening the Territory to everybody. The people of the North took you at your word; and they went there. How were they met? I do not propose to make any statements here on my own authority, but to give proof. There was much discussion, a few days since, as to what General Atchison had done and said, and many commendations were passed on him. I have not a word to say against it. I knew General Atchison for six years, while I served with him in the Senate, and in personal intercourse I always found him to be an amiable and pleasant gentleman, and I shall let him speak for himself; I will give my authority. I desire to read an extract from a speech of General Atchison, delivered at Platte City, Missonri, on the 4th of the present month, which will be found in the New York Daily Times of the 25th of the present month. He says:

"The Territory was open for settlement, every man having an equal right to go from the North or South with their property. The Aboltionatist of the North, failing to accomplish their vile purposes by law, resolved to effect raised money and men, had three thousand preachers and their Aboltion orators dramming up their forces, who were whistled on the cars, and whistled off again at Kansas city and other places, some of whom had 'Kansas and Libo-;' on their hats."

The wretches! Only think of it! But, as if it were too incredible to be believed, he adds:

"I saw it with my own eyes. Those men came with the avowed purpose of driving or expelling you from the Territory. What did I advise you to do? Why, meet them at their own game. When the first election came off, I told you to go over and vote?"

Remember, he is speaking to his Missouri friends in Platte county—his own county. He continues:

"You did so, and heat them. We, our party in Kansas, nominated General Whitfield. They, the Abolitouists, nominated Tenniken; not Flanegan, for Flanegan was a good, honest man. but Flenniken. Well, the next day after the election, that same Flenniken. Well three housed of his voter's left the Territory, and has unever returned—no. nere returned.

on one external "" Well, what next? Why an election for members of the Legislature to organize the Territory must be held. What did I advise you to do then? Why, meet them on their own ground, and beat them at their own gent own which is company of men. By object in going was not to rote; I had no right to vote, antless I had distruction of the property of the state of a voting place. My object in going was not to deep the state of the state of the territory with the state of a voting place. My object in going was not to deep the state of the North state of the North staid, and published it abroad that Achisson was there with twoire-keife and Territory, I never wind to go into that Territory, without form of the state. Not the state of the North state of t

He adds, however: "But Congress will do no such thing."

I do not vouch for this; I only give it as it comes in the public papers, as a speech delivered by Mr. Atchison on the 4th of February.

Mr. BUTLER. Is it from an anonymous writer?
Mr. HALE. It is a communication in the New
York Daily Times.

Mr. BUTLER. Signed "Randolph," I suppose. Mr. HALE. I do not know what the signature is, It is the same paper that I handed to the honorable Senator from South Carolina a few moments ago.

Here is another extract from a letter signed D. R. Atchison, purporting to be from the Atalanta (Georgia) Examiner. I cut it from the New York . C. 2-10 mooning

essage of the 31st of December, 1855, he speaks those who were opposed to him as "enemies the Constitution." Then nobody who differed m him could be friendly to the Constitution. e what a wonderful change is produced in enty-four days. On the 24th of January he

eaks in this way:

This interference, in so far as it concerns its primary uses and its immediate commencement, was one of the idents of that permeious sgitation on the subject of the idents of that permicious eguation on the subject of the indition of the colored persons held to service in some the States, which has so long disturbed the repose of recountry, and excited individuals, otherwise particle d law-abloing, to toil with misdirected zeal in the at-nest to propagate their social theories by the perversion d abuse of the powers of Congress."

Is there not a great improvement? "Enemies the Constitution," in twenty-four days, are nverted into gentlemen laboring with misdicted zeal, but otherwise patriotic and lawiding. On everything except the very point which they differ from the President, they are

triotic and law-abiding. The President of the United States, in his

ansas message, denounces the proceedings of ose gentlemen in Kansas who have undertaken form a State Constitution as revolutionary, d says that if their measures are carried out, it ll be treason. Well, sir, perhaps it is very ficult to define and say exactly where people ay begin to reform their Government without e consent of the existing Government, and I all not venture to express any crude opinions my own upon that subject; but I shall favor a with the opinions of the President of the nited States himself upon that very question. cannot have escaped the recollection of gentleen, that about fourteen years ago there was a ry noted individual in this country, by the me of Thomas W. Dorr, who claimed to be ected Governor of Rhode Island; but the result his election was, that he found that he would safer in any other State than the one of which

claimed to be Governor. He left there, and ent first to Connecticut, and remained there a tle while, and then came to New Hampshire. hen he arrived in New Hampshire, a large pubmeeting was holden in Concord on the 14th y of December, 1842; and at that meeting

eneral Pierce delivered a very congratulatory eech to Governor Dorr, and closed with the esentation of a series of resolutions, which, as

ey are not long, I will read:

1. Fasoleed, That all government of right originates
must be people; is founded in consent, and instituted for
general good.

2. Resoleed, That whenever the ends of government are other means of redress are medically endangered, and other means of redress are medicall, the people may, doi right ought to, reform the old and establish a new

ns of government. 3. Resolved, That if the friends of liberty should wast for refrom tyrants to abolish tyranny, the day of free Govment would never dawn upon the eyes of the oppress

unifous of our race.

A Kesolved. That when the people act in their original
rection can easily in forming and adopting new systems of
trament, they are not bound to conform to any rules or

Frament, they are not bound to conform to any rules or way of proceeding not notationed by themselves.

5. Rossiced, I had the stoopton of the people's Constituhin Roadie Island, by thriter thousand time hundred
torry-four votes, being an acknowledged and large
being on the work of the theory of the State.

5. Such an act of the people in their soverriga capacity
teadered it the persision in few of the State.

General Pierce went thus far: but Mr. Hibbard then presented the two following additional resolutions, which the New Hampshire Patriot says were "cheerfully accepted by Mr. Pierce:"

"6. Rooked. That in welcoming to the soil of New Hampshire our present distinguished garest, Thomas W. Dorr, the rightful Governor of Bhode Island, we embrace the oceasion of tendering the tribute of our respect and esteem to the tried patriotism, and unwavering devotion to the cause of free suffrage, which has so eminently and to the cause of rece suffrage, which has so eminently and bonorably characterized his past career; and that, so long as the people of Rhode Island are true to themselves and to the cause of civil liberty, they will never shate their trust, nor remit their exertions, nutil their sovereignthen turns, not remit their executions, man their sovereignity shall be acknowledged, the Constitution of their adoption established in fact, as it now is in risht—the paramount law of the land; and the officers of their choice restored to the places to which they have been once elected.

"7. Resolved, That John Tyler, the acting President of "7. Readed, That John Tyler, the acting President of the United States, in interfering with, and sessiming to decide, by the sum of the military power of the General Government, the question of soorceasting prediate theorem the People and the Charter purpy of Robot Islams, hereby for a time prostrating the cause of free suffrage, and pair-sistent in the efforts of in Frenches in this Stational Power, the control of the Charter of the Charter of the State of the Charter of the C for which no censure can be too severe, and has inflicted an injury upon the cause of constitutional freedom, for which no reparation can adequately atone."

Now, to bring the point of these resolutions distinctly before the Senate, I propose to read this last resolution, substituting the name of "Franklin Pierce" for "John Tyler," "Kansas" for "Rhode Island," and "Pro-Slavery party" for "Charter party," and see how it will then read. It would read in this wise:

"Resolved. That Franklin Pierce, the acting President of the United States, in interfering with, and assuming to de-cide, by the arm of the military power of the General Govcude, by the arm of the military power of the General Gov-ernmen, the question of Slavery pending between the people and the Pro-Slavery party of Kansasa, therebe for a time prostrating t. e cause of free suffrage, and paraly-zing the efficits of its friends in that Territory, has been culty of a flagrant usurpation of unconstitutional power, for which no censure can be 100 severe, and has inflicted an injury on the cause of constitutional freedom, for which no reparation can adequately atone."

He ought certainly to be willing to take such medicine as he administers; and it seems to me / that the cases, with this bare alteration of names, are very nearly parallel-at least enough so for the argument.

The President of the United States, in his message of the 24th of January, goes on to state the illegal acts which have occurred to justify mili-

tary interposition, and he says:

"One of the acts of the Legislative Assembly provided for the election of a Delegarie to the present Congress, and a Delegate was elected under that law; but, subsequently to this, a portion of the people of the Territory proceeded, wit out authority of law, to elect another Delegate. Following upon this movement was another and more important one, of the same general character. Persons confessedly not constituting the body politic. or all that intuitions, but merely the best politic. or all that intuitions are consistently and the properties of the proposed of the person of the person of transforming the Territory into a State, and have trained a Constitution, adopted it and under it elected a Governor and other officers and a Representation. One of the acts of the Legislative Assembly provided elected a Governor and other officers, and a Representative to Congress."

That is the reason why the President of the United States on the 24th of January felt himself called upon to send to us a special message, asking for extraordinary powers from Congress to enable him to execute the law. Every fact to which he refers, every circumstance to which the message alludes, had transpired long before his annual message of the 31st of December, when he said nothing had occurred that would justify | back to them. That is what the Emigrant A

his interposition.

I have thus, Mr. President, very briefly spoken of what has been done on the part of those endeavoring to force Slavery into Kansas. I wish now to advert to the charges which have been brought against the men who have gone there to establish a free State. So far as I know anything about them, I will, in their behalf, plead guilty to everything charged upon them by the Senator from Tennessee. What they wanted was a free Constitution-a free State. Sociéties were organized in the Northern States, for the purpose of aiding emigrants to go there, with the avowed purpose of making Kansas a free State. That they and an undoubted right to do. You had invited them to do it by your Kansas and Nebraska bill.

The Senator from Tennessee, however, made a wonderful discovery when he ascertained that the authors of these Emigrant Aid Societies looked to a remunerative pecuniary return. Grant it; I plead guilty to that charge. I admit they organized the societies for the purpose of sending emigrants into that Territory to settle it, and by their votes establish Freedom there; and they hoped to establish Freedom, to take up lands, and that by such means there would be a pecuniary remunerative retnrn. The Senator need not have gone a great way to prove that. They themselves published it in all their handbills and newspapers. proclaimed it in all their public meetings. invited everybody to subscribe to aid in sending emigrants there. For what purpose? To make Kansas a free State; and they held out the hope that the project would not only result in that, but would be a profitable investment, and would make remnnerative pecuniary returns. Is there anything new in that? The Senator from Tennessee says he never before heard of such a thing in the United States.

I do not wish to be unkind or uncourteous to the Senator, though he did not come at me in the smoothest possible form. I can tell him that he has not read the history of the United States, if he never heard or read of such societies before. There is hardly one of the old States of the Union that was not settled by societies similar to these. The State of New Hampshire, the State of Virginia, the State of Maryland, and all the early Colonies, were planted by the aid of societies which were substantially Emigrant Aid Societies in the old country. If you look at their charters, you will find that, almost without exception, if not entirely without exception, there was always the hope of pecuniary remunerative returns.

The Senator may find the same thing at a later day. Did he ever hear of the little State called Ohio? How was that settled? It was settled by means of an Emigrant Aid Society of New England. The first white men who ever planted themselves upon the soil of Ohio went from New England, under the auspices of just exactly such a society, not called in so many words an Emigrant Aid Society, but substantially that. They Societies formed for the settlement of Kans have done. I will yield to the Senator from Te nessee everything that he claimed on that poin I am sorry that he took so much time to prov what everybody admitted, and what any or who had anything to do with those societie would have told him was intended, expected, an hoped by them.

Sir, let me ask you, did you see anything wrong anything criminal, in this? Did you not invit the North to go there? Did you not invite Free dom to go there and compete with Slavery? Di you not tell us that all you wanted was a fai field? For what purpose did these men go t They went in order, by the influence Kansas? of their opinions expressed at the ballot-box, t lay the foundations of free institutions in the great country; and I have no doubt they believ in their hearts that, in doing so, they were doin

a meritorious and a patriotic act. Mr. President, it cannot have escaped your ear it cannot have escaped the ear of any honorabl Senator who is within the sound of my voice, tha when the subject of Slavery is introduced, gentle men from those States in which it exists turaround and say, reproachfully, "We found th institution; we did not bring it here; it was en tailed upon us by the cupidity of Eastern mer chants; it was entailed upon us by the Britisl Crown; it was entailed upon us by those who has the control and agency of things long before we came upon the stage of being." Grant it. I am willing to give to gentlemen who are disposed to make such a plea, all that they can take by it und what is the lesson that it teaches us? Sir, i teaches us, who in this our day occupy these seats, that if in the coming future it shall be s destined in the councils of Omnipotence that the Territory of Kansas shall groan under the blight ing influence of the institution of Slavery, those who feel its withering effects may not stand up and reproach our posterity by telling them, "You fathers forced it on this soil." No, sir; we wish to stand clear of that reproach, which is so often and so freely cast on our fathers.

In the very debate which took place in the Senate on the Kansas bill, if I mistake not, in the speech of an honorable Senator from North Care lina (Mr. Badger)-not now a member of this body-that very reproach was hurled back on the inhabitants of the free States, and they were told that it was to their agency and their cupidity that the South owed the existence of the institution among them. I do not remember, sir, during the many years that I have been at this Capitol, t have met with more than three individuals will have not been willing to admit, and have no admitted, that, if the question of Slavery were new one, for the first time introduced, and if the question was submitted to them as they were about to plant themselves on the virgin soil their native State, and they had the control of it they would not have Slavery with them. If the would not have it with them, if it were an origiwere societies which looked to the colonization and question in their own State, I sak them. If the Western Territories, and, beyond that the name of justice, in the name of humanity, if looked to a compensation which was to come the name of that Curistianity which teaches the name of that Curistianity which teaches to do unto others as we would they should do anto us," why should they seek now to fasten it mon another Territory? Sir, the position which loccupy, and which is occupied by those with whom I act, is, that it may never be a reproach to us or to our posterity, that through our agency, and through our want of fidelity to the principles which we profess, this institution which we condemn shall be fastened upon this Territory. .

Mr. BUTLER. Will the Senator allow me to give him a matter of statistics?

Mr. HALE. Certainly.

Mr. BUTLER. I knew the Senator would do it, because he is a ready man. At one time, sir, I thought it probable that I might have to go to Boston to perform a duty which my friend from Georgia [Mr. Toombs] has done so much better than I could; and with that view I prepared myself with some statistics on this subject, which I desire to present. I desire to state them now, for I know of no other way of getting them before a certain class, unless through the speech of the Senator from New Hampshire. He says that, so far from being tainted with the sin and agency of introducing Slavery, the North would hold themselves bound by all the obligations to which he has referred. With the view which I have mentioned, I sent to the custom-house in Charleston to obtain certain information. Most of the registers were lost, but from those that remained I obtained some information which I will state.

When the slave trade was suppressed, it was suppressed by the common vote of the North and the South: and when it was restored, it was restored by the common vote of the North and the South: bnt after it was restored, it was through Northern merchants that slaves were taken from Africa. They were brought in Northern vessels. Out of forty thousand-that was the number, for recollect it expressly-two-thirds were for the North. Five thousand were on account of one Northern State, six thousand on account of another, and but two thousand on account of South Carolina. So far as regards the sin of bringing them here, I do not think that we are to be responsible if we should attempt to throw it back

on those who introduced them.

Mr. HALE. Mr. President, 1 am glad to have this piece of information. It was the very train of argument which I was pursuing. I said that you reproached our fathers, and justly, I have no doubt. I have no doubt the Senator is historically correct.

What I have stated is accord-Mr. BUTLER.

ing to undoubted statistics.

I have not the slightest doubt of Mr. HALE. it, and I am glad I have got it; but what I mean, please God, is, that it shall not be true in the future. I mean, that if another land is to groan under the evil of Slavery, no Senator from South Carolina, or from any other State, shall have a right to stand up in his place and point at New Hampshire, and say, "You did it." I take all the censure which the Senator means to administer to the Northern States. I have no doubt that the cupidity of commerce yielded much, very much, and that there is great blame. I have no doubt,

Northern merchants to take the course which the Senator from South Carolina brings to my mind. is still left in the country, and it would do the same thing again, unless restrained by law.

Having gone thus far on this train of remark, I come now to another point of the case; and I propose to examine the question of the power of Congress over Slavery in the Territories; and I shall do it. I think, to the apprehension of the popular and of the legal mind. The ground which I take is, that Congress has an undoubted constitutional power to prohibit Slavery from going into any of the Territories of the United States; and to that point I wish the attention of the Senate. In the first place, I suppose, when you wish to settle a question as to whether the Congress of the United States has a certain power or not, the simplest, readiest, and easiest way of settling that question is to turn to the Constitution itself. The Constitution is a plain instrument, made by plain men. It is a universal law, governing States and individuals; and being made by plain men, for the government of everybody within the country, States as well as individuals, one would naturally suppose that it would be written in a language which plain men might understand. Well, sir, by looking to the Constitution, what do you find? You find it there written, "The Congress shall have power"-to do what ?- "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Some have said that this cannot mean all rules, because there must be certain limits. Undoubtedly there are limits, but what are they? The limits are to be found in other parts of the Constitution; and if there are any restrictions on that graut, the grant is thus far restricted; but if there The language be no restriction, it is unlimited. of the Constitution is exceedingly plain. "The Congress shall have power to make"—how many rules?-"all needful rules." How do Congress make rules? By law. How do they make the rales and regulations concerning the Navy? By law. How do they make the rules and regulations concerning the Army? By law. How do Congress make any rules or regulations? By law, and in no other way. Then, how many regulations may they make in regard to territory? All. If the prohibition of Slavery is a regulation coming within the comprehensive description of "all regulations," it is what Congress has a right to make; but if it be a regulation outside of "all," and not included in the adjective "all," we must go somewhere else to find it. What did the men who made the Constitution think? What did they understand? What did they suppose they had done? Why, sir, it appears, fortunately for the elucidation of this history, that in the Convention which framed the Constitution there were twenty men who were also members of the first Congress under the Federal Constitution. There was John Langdon, of New Hampshire, a man of some note in his day-a man enjoying the confidence of the Democracy of this country, and who was nominated for the office of Vice President by that party, when Jefferson was Presifarther, that the same cupidity which induced dent-a nomination which he declined on account

There were also in the Federal Convention and in the First Congress, Nicholas Gilman, of New Hampshire; Elbridge Gerry, Rufus King, and Caleb Strong, of Massachusetts; William S. Johnson, Roger Sherman, and Oliver Ellsworth, of Connecticut; William Patterson, of New Jersey; Robert Morris, John Clymer, and Thomas Fitzsimmons, of Pennsylvania; George Read and Richard Bassett, of Delaware; Daniel Carroll, of Maryland; James Madison, of Virginia; Hugh Williamson, of North Carolina; Pierce Butler, of South Carolina; and William Few and Abraham Baldwin, of Georgia. All these gentlemen whom I have named were members of the Convention which formed the Federal Constitution, and also members of the first Congress under it. George Washington was the presiding officer of the Convention, and he was the first President of the United States under the Constitution. Several of the gentlemen whom I have named were also members of the Continental Congress, which passed the Ordinance of 1787, besides being members of the Convention and of the first Congress under the Constitution.

The First Congress met shortly after the formation of the Constitution. Prior to the adoption of that Constitution, the Congress of the old Confedration passed an ordinance by which Slavery was excluded from every inch of territory then subject to Federal jurisdiction. When the First Congress met, what did they think? What did those twenty men, fresh from the formation of the Constitution, think of its powers? did George Washington, the presiding officer of the Convention, think? What did James Madi-What did John Langdon think? son think? Why, sir, you can find their opinions in an act of Congress, passed without division, and signed by George Washington, and now in full force, unless it has been repealed by being found to be inconsistent with the Compromise of 1850. the 7th of August, 1789, they passed an act in

these words: "Whereas, in order that the ordinance of the United "Whereas, in order that the ordinance of the Onites States in Congress assembled, for the government of the Territory northwest of the river Ohio, may continue to have fall effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States."

And then they went on in two sections to make a few alterations which were necessary, merely by a change of the officers provided for under the Confederation. In the opinion of those men, when they had made those alterations, merely requiring a change of officers, they thoughtperhaps in their weakness, perhaps in their folly-that they had done all that was necessary to adapt the Ordinance of 1787 to the Constitution of the United States. George Washington affixed his signature to that act, and it stands on the statute-book to-day; and no man can challenge the assertion, that it was the opinion of George Washington, (so far as his official acts are any indication of his opinion)—of James Madison, who did more to produce the adoption and ratification of the Federal Constitution, perhaps, than any other man, with the exception of Alexander Hamilton; the opinion of John Lang-

of his age. He was a member of both bodies. | don, of Rufus King, of Pierce Butler of South Carolina, of Mr. Few and Mr. Baldwin of Georgia and those other men whom I have named-that Congress had power under the Constitution to prohibit Slavery in the Territories. They did it, and their act has remained, from that day to the present, unchallenged and unrepealed. Let me ask.you, sir, if, in the history of this Government, from the time of the adoption of the Federal Constitution down to the present day, any President of the United States has suggested to Congress that the existence of that statute was not warranted by the Constitution, and ought therefore to be repealed? No, sir. And I do not believe that there will very soon be such a President. I do not believe that there is a man quite rash enough at the present day to venture his reputation upon such an onslaught as tost would be on the judgment, the intelligence, and the patriotism of the Father of his Country, who helped to form the Constitution, and who signed this very act.

Then, sir, look at the acts organizing Territorial Governments ever since, and you will find without exception, that Congress have taken jurisdiction of this subject, unchallenged-prohibiting Slavery in some cases, regulating it in You will find that in laws organizing Territorial Governments for even the Southern Territories of Louisiana and Mississippi, Congress did take cognizance of the subject of Slavery. regulating and limiting it in those cases, and restricting it in others.

The country reposed in safety, peace, security, and harmony, under this construction of the Constitution, until these latter days, when in the newlight revelations of the present it has been discovered that Washington, Madison, Langdon King, Ellsworth, Gerry, and all their compatriots who were engaged in making and administeries the Constitution, died in happy ignorance of what its essential provisions were. I confess that, for one, I am willing to take my chance of being mistaken, with those dead fathers of the past rather than run the doubtful chance of getting illumination from the new lights of to-day.

Now, sir, what do we want? What do we ask! We ask that the country shall come back to the point from which it started. We enter upon no crusade against any Southern rights. Weask for no new test, no new doctrine, no new experiments, no rash, doubtful, or untried measures. We are content with the wisdom of the past. We are satisfied with the inheritance and the legacy which the patriots of the Revolution have left us We are willing to take the Constitution as they understood it, and the law as they framed and administered it. Is it arrogance for us to ask that you come with us there? We ask you to go no further; we merely ask you to come with us and take counsel of the departed patriotism of the fathers of the Revolution. We ask you to listen to their doings when the wounds of the Revolution were not yet healed over, when the blood and dust of the battle were hardly wiped from their brows, and when their locks were hoary with the frosts which had fallen upon them as they stood sentinels round about the camps of Liberty. That it, how are we met? We are told that we are of Northern aggression continually rung in our aggressive; and we are threatened, that if our ears? aggressions do not cease, if our tauntings do not come to an end, and if the spirit of Northern fanaticism, which is continually making aggressions. does not cease, this Union cannot be maintained. Sir, I feel obliged to believe the sincerity of gentlemen, when they get up and talk about Northern aggression, but it is one of the hardest things I am bound to believe. Bound as I am to believe it on their word, I have never had the face to go home and tell my constituents so; because they would tell me that, however I might believe it, they knew better. Sir, they have made as much progress as Mr. Everett had made on the Nebraska bill; they not only know it themselves, but they know that everybody else knows it; that there is not only no truth in it, but that the exact rewerse is the truth of history, the truth of the past, the truth of the present; and may God grant that it shall not be the truth of the future!

· Sir, we ask to stand nothing more than your equals. It has been the fashion of late years to quote Mr. Webster. Mr. Webster never made a muer remark in all his life, than when he said there was no North. No. sir: in the history of this Government, there has been no North, except to collect revenues from. You have found out that there was a North for that purpose; but in dictating the policy of this Government, in controlling its politics, in appointing its officers, in framing its laws, the dead sage of Marshfield moke the truth when he said there was no North. Well, sir, we should be content for a little while to take it for granted, as a fact of political geography, that there was no North, if you would not taunt us with it, and tell us that we are aggrestive. Aggressive in what? We have opinions that we cannot help. We have convictions; we cannot renounce them at your bidding. We believe that, for us, Slavery is wrong, unprofitable. You have a different opinion for yourselves. Enjoy it; we have no quarrel on that account. You believe that it is profitable; reap all its benefits. You believe that it is just; enjoy it You believe that you are conferring a great benefit on the slaves; go on in your work of humanity-we will never interfere. All we have to say, all we ak, all we claim, is, that you will leave us the poor privilege of believing, in our cold Northern homes, that it is not right for us. We ask you that, while we are members of this Confederacy with you, bound together by the ties of a comon Constitution for certain great purposes, we hall not be made amenable to the responsibility

is what we ask, and we are willing to abide by try it in the tribunal of his own heart, if it is it; and when we ask that, and when we demand right, if it is fair, if it is just, to have the charge

I have now a word or two to say to the honorable Senator from Tennessee, [Mr. Jones,] and I shall speak to him more kindly than he did to me, but perhaps not so eloquently. The Senator from Tennessee represents his State ably, brilliantly-I say it in no Pickwickian sense. He came here with a very high reputation. I am a much humbler man, of more moderate powers, and vastly less pretensions, representing the small State of New Hampshire. Now, I will put it to the honorable Senator from Tennessee, as between our two States, what harm on earth have we ever done him? Have we ever injured the hair of a man's head in Tennessee? Have we, of the State of New Hampshire, ever withholden our appreciation of a public man because he lived in the State of Tennessee? No, sir: twice in solid column have the unalterable Democracy, of whom I spoke to you, gone up in unbroken phalanx to the polls, and recorded their votes for two citizens of Tennessee for the highest office in the gift of the Republic. I confess that, with my reading of history, I am at a loss to discover in the history of either or both those States a single iota of evidence that could convict New Hampshire, or one man in it, of injuring, by word or

take them in detail-one from the mass, and czamine it. So far as my humble State is concerned, might I not go through with every State of the Union, and put the same question, and would not every man be at a loss to gainsay it? Certainly he would. Then, I would say, in the language of Brutus-though I am not going into Roman oratory—"If we have offended any man, let him speak." If there is any man who has suffered wrong or injustice at our hands, where is he? I do not know it. Why not look at this matter in the light of the truth of history? Why not lay aside these angry appeals? Why not lay aside everything except the solid, substantial truth of history, and look it right in the face? When we do that. I am not at all afraid, when

we are tried before any tribunal in earth or

heaven, but that the skirts of our garments will

be found clean of any offence against any of our

deed, or even thought, the State of Tennessee.

The best way to examine all questions is to

or a single citizen of that State.

sister States. Mr. President, I read some remarks which were made by the honorable Senator from South Carolina, [Mr. BUTLER,] when the Kansas bill was under consideration in the Senate two years ago. sustaining, extending, and perpetuating, an I am not able to give his exact words, because I nstitution which in our heart of hearts we be-fere to be wrong. Now, sir, is there any occ. I remember that he said, speaking in regard to join for quarrel? Our fathers did not quarrel, the South, that the South wanted her heart rebey entertained these opinions, but they did not lieved more than any practical burdens taken warrel. As Mr. Webster well said, "Side by off. I may not have given his very language, ide and shoulder to shoulder they went through but that, I think, is the idea; I remember it, for he Revolution;" and side by side and shoulder I read it last night in the Globe. Sir, I confess o shoulder are their descendants ready to stand that when I read that remark, it thrilled my very gain. But, sir, I ask you, as a matter of justice, heart. An appeal of that sort made to the North put it to every Southern man who hears me, to will never be made in vain; but such has not

been the spirit in which gentlemen entertaining the our moral nature to refrain from expressing on all opinions that I do have been accustomed to be addressed by gentlemen from the South. Let me tell you, sir-and I think I can speak in behalf of my own State-that when an appeal is made to them from the South, or the West, or anywhere else, in that spirit, they would coin their very hearts to buy peace-they would pour out their very heart's blood like water, to wash out the least and the last offence.

But, sir, I appeal to the truth of history-I appeal to the convictions of every man who hears me, if we have ever been addressed in any spirit like that? No, sir; far, very far indeed, from it. I shall not endeavor, however, to awake those angry passions which I am deprecating, by a repetition of the course which has been heretofore pursued towards us. I am willing-and I desirethat so far as past occasions of offence are concerned, they should be past. I am willing that the dead past should bury its dead; I desire to live in the present, in the language of the poet-

"Heart within, and God o'erhead;"

mindful of all the obligations which the Constitution, or which our duty, or the demands of justice, make upon us. Thus much we are willing to give! We will go far, very far, for peace; but let me sav, I am not used to the language of menace; I am not used to the utterance of threats; but I tell you that on the subject of human slarifice-we have opinions which it were treason to the latest posterity, will forget.

suitable occasions. Up to that mark we must stand. We must say, as those of old have said when we reach a point where duty, conscience, convictica, must be surrendered, we cannot go. We cannot consent to surrender our opinions, convictions, or sentiments. What then? Must it. I do not believe-gentlemen will pardon me if I say it, for it is an opinion-I do not believe that the popular opinion of the great masses of the people of this country is represented, when gentlemen talk quite so flippantly as I have heard some talk about a dissolution of this Union. believe to-day that ours is the strongest Government on the face of the earth. I believe that its foundations are the firmest, the most endu-ring. What are they? The popular judgmentthe popular heart. There it is, sir; there is the solemn, the broad, and the everlasting basis upon which the institutions of this country rest. My own opinion is, that such will be found to % the case whenever and wherever infatuation shall be led to try the experiment. I believe that if, listening to evil counsels, pushed on by the purposes of ambition or any other, a party, large or small, shall be so far forsaken of God and of good counsels as to venture on that rash experiment, the conservatism, the patriotism, the intelligence, and the humanity of this great people will teach such men a lesson which they, nor very we have convictions which we cannot suc- their children, nor their children's children, to

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HON. JAMES H. HAMMOND,

OF SOUTH CAROLINA,

ON THE

ADMISSION OF KANSAS,

UNDER

THE LECOMPTON CONSTITUTION.

DELIVERED IN THE SENATE OF THE UNITED STATES, MARCH 4, 1858.

WASHINGTON: PRINTED BY LEMUEL TOWERS. 1858. Anion Bulgar

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DELIVERED IN THE SENATE OF THE UNITED STATES, MARCH 4, 1889.

The Senate, as in Committee of the Whole, having under consideration the bill for the admission of the State of Kansas in the Union—Mr. HAMMOND said:

Mr. PRESIDENT: In the debate which occurred in the early part of the last month, I understood the Senator from Illinois (Mr. Dovellas) to say that the question of the reception of the Lecompton constitution was narrowed down to a single point. That point was, whether that constitution embodied the will of the people of Kansas. Am I correct?

Mr. Dorelas. The Senator is correct, with this qualification: I could waive the irregularity and agree to the reception of Kansas into the Union under the Lecompton constitution, provided I was satisfied that it was the act and deed of that people, and embodied their will. There are other objections; but the others I could overcome, if this point were disposed of.

Mr. Hammond. I so understood the Senator. I understood that if he could be satisfied that this constitution embodied the will of the people of Kansas, ell other defects and irregularities could be cured by the act of Congress, and that he himself would be willing to permit such an act to be passed.

Now, sir, the only question is, how is that will to be ascertained, and upon that point, and that only, we shall differ. In my opinion the will of the people of Kansas is to be sought in the act of her lawful convention elected to form a constitution, and no where else; and that it is unconstitutional and dangerous to seek it elsewhere. I think that the Senator fell into a fundamental error in his report disenting from the report of the majority of the territorial commit-

tee, when he said that the convention which framed this constitution was "the creature of the Territorial Legislature:" and from that error has probably arisen all his subsequent errors on this subject. How can it be possible that a convention should be the creature of a Territorial Legislature? The convention was an assembly of the people in their highest sovereign capacity, about to perform their highest possible act of sovereignty. The Territorial Legislature is a mere provisional government; a petty corporation, appointed and paid by the Congress of the United States, without a particle of sovereign power. Shall that interfere with a sovereignty-inchoate, but still a sovereignty? Why, Congress cannot interfere: Congress cannot confer on the Territorial Legislature the power to interfere. Congress is not sovereign. Congress has sovereign powers, but no sovereignty. Congress has no power to act outside of the limitations of the Constitution; no right to carry into effect the Supreme Will of any people, and, therefore, Congress is not sovereign. Nor does Congress hold the sovereignty of Kansas. The sovereignty of Kansas resides, if it resides anywhere, with the sovereign States of this Union. They have conferred upon Congress, among other powers, the authority of administering such sovereignty to their satisfaction. They have given Congress the power to make needful rules and regulations regarding the Territories, and they have given Congress power to admit a State-"admit," not create. Under these two powers, Congress may first establish a provisional territorial government merely for municipal purposes; and when a State has grown into rightful sovereignty, when that sovereignty which has been kept in abeyance demands recognition, when a community is formed there, a social compact created, a sovereignty born as it were upon the soil, then Congress is gifted with the power to acknowledge it, and the Legislature, only by mere usage, oftentimes neglected, assists at the birth of it by passing a precedent resolution assembling a convention.

But when that convention assembles to form a constitution, it assembles in the highest known capacity of a people, and has no superior in this Government but a State sovereignty; or rather the State sovereignties of all the States alone can do anything with the act of that convention. Then if that convention was lawful, if there is no objection to the convention; there can be no objection to the action of the convention; and there is no power on earth that has a right to inquire, outside of its acts, whether the convention represented the will of the people of Kansas or not, for a convention of the people is, according to the theory of our Government, for all the purposes for which the people elected it, Tux Pro-

PLE, bona fide, being the only way in which all the people can assemble and act together. I do not doubt that there might be some cases of such gross and palpable frauds committed in the formation of a convention, as might authorize Congress to investigate them, but I can scarcely conceive of any; and and I do not think that Congress has any other power when a State knocks at the door for admission, but to inquire if her constitution is republican. That it embodies the will of her people must necessarily be taken for granted, if it is their lawful act. I am assuming, of course, that her boundaries

are settled, and her population sufficient. If what I have said be correct, then the will of the people of Kansas is to be found in the action of her constitutional convention. It is immaterial whether it is the will of a majority of the people of Kansas now, or not. The convention was, or might have been, elected by a majority of the people of Kansas. A convention, elected in April, may well frame a constitution that would not be agreeable to a majority of the people of a new State, rapidly filling up, in the succeeding January; and if Legislatures are to be allowed to put to vote the acts of a convention, and have them annulled by a subsequent influx of immigrants, there is no finality. If you were to send back the Lecompton constitution, and another was to be framed, in the slow way in which we do public business in this country, before it would reach Congress and be passed, perhaps the majority would be turned the other way. Whenever you go outside of the regular forms of law and constitutions to seek for the will of the people you are wandering in a wilderness—a wilderness of thorns.

If this was a minority constitution I do not know that that would be an objection to it. Constitutions are made for minorities. Perhaps minorities ought to have the right to make constitutions, for they are administered by majorities. The Constitution of this Government was made by a minority, and as late as 1840 a minority had it in their hands, and could have altered or abolished it; for, in 1840, six out of the twenty-six

States of the Union held the numerical majority.

The Senator from Illinois has, upon his view of the Lecompton constitution and the present situation of affairs in Kansas, raised a cry of "popular sovereignty." The Senator from New York (Mr. Seward) yesterday made himself facetious about it, and called it "squatter sovereignty." There is a popular sovereignty which is the basis of our Government, and I am unwilling that the Senator should have the advantage of confounding it with "squatter sovereignty." In all countries and in all time, it is well understood that the numerical majority of the people could, if they chose, exercise the sovereignty of the people could, if they chose, exercise

ereignty of the country; but for want of intelligence, and for want of leaders, they have never yet been able successfully to combine and form a stable, popular government. They have often attempted it, but it has always turned out, instead of a popular sovereignty, a populae sovereignty; and demagogues, placing themselves upon the movement, have invariably led them into military despotism.

I think that the popular sovereignty which the Senator from Illinois would derive from the acts of his Territorial Legislature, and from the information received from partisans and partisan presses, would lead us directly into populace, and not popular sovereignty. Genuine popular soverignty never existed on a firm basis except in this country. The first gun of the Revolution announced a new organization of it, which was embodied in the Declaration of Independence, developed, elaborated, and inaugurated forever in the Constitution of the United States. The two pillars of it were Representation and the Ballot-box. In distributing their sovereign powers among the various Departments of the Government, the people retained for themselves the single power of the ballot-box; and a great power it was. Through that they were able to control all the Departments of the Government. It was not for the people to exercise political power in detail; it was not for them to be annoyed with the cares of Government; but, from time to time, through the ballotbox, to exert their sovereign power and control the whole organization. This is popular sovereignty, the popular sovereignty of a legal constitutional ballot-box; and when spoken through that box, the "voice of the people," for all political purposes, "is the voice of God;" but when it is outside of that, it is the voice heard of a demon, the tocsin of the reign of terror.

In passing I omitted to answer a question that the Senator from Illinios has, I believe, repeatedly asked; and that is, what were the legal powers of the Territorial Legislature after the formation and adoption of the Lecompton constitution? That had nothing to do with the Territorial Legislature, which was a provisional government almost without power, appointed and paid by this Government. The Lecompton constitution was the act of a people, and the sovereign act of a people. They moved in different spheres and on different planes, and could not come in contact at all without usurpation on the one part or the other. It was not competent for the Lecompton constitution to overturn the territorial government and set up a government in place of it, because that constitution, until acknowledged by Congress, was nothing; it was not in force anywhere. It could well require the people of Kansas to pass upon it or any portion of

it; it could do whatever was necessary to perfect that constitution, but nothing beyond that, until Congress had agree to accept it. In the mean time the territortal government always a government ad interim, was entitled to exercise all the sway over the Territory that it ever had been entitled to. The error of assuming, as the Senator did, that the convention was the creature of the territorial government, has led him into the difficulty and confusion of connecting these two governments together. There is no power to govern in the convention until after the adoption by Congress of its constitution.

If the Senator from Illinois, whom I regard as the Ajax Telamon of this debate, does not press the question of frauds, I shall have little or nothing to say about that. The whole history of Kansas is a disgusting one, from the beginning to the to end. I have avoided reading it as much as I could. Had I been a Senator before, I should have felt it my duty, perhaps, to have done so; but not expecting to be one, I am ignorant, fortunately, in a great measure, of details; and I was glad to hear the acknowledgment of the Senator from Illinois. since

it excuses me from the duty of examining them.

I hear, on the other side of the Chamber, a great deal said about "gigantic and stupendous frauds;" and the Senator from New York, yesterday, in portraying the character of his party and the opposite one, laid the whole of those frauds upon the pro-slavery party. To listen to him, you would have supposed that the regiments of immigrants recruited in the purheus of the great cities of the North, and sent out, armed and equipped with Sharpe's rifles and bowie knives and revolvers, to conquer freedom for Kansas, stood by, meek saints, innocent as doves, and harmless as lambs brought up to the sacrifice. General "Lame's lambs! They remind one of the famous "lambs" of Colonel Kirke, to whom they have a strong family resemblance. I presume that there were frauds; and that if there were frauds, they were equally great on all sides; and that any investigation into them on this floor, or by a commission, would end in nothing but disgrace to the United States.

But, sir, the true object of the discussion on the other side of the Chamber, is to agitate the question of slavery. I have very great doubts whether the leaders on the other side of the house really wish to defeat this bill. I think they would consider it a vastly greater victory to crush out the Democratic party in the North, and destroy the authors of the Kansas-Nebraska bill; and I am not sure that they have not brought about this imbroglio for the very purpose. They tell as that year after year the majority in Kansas was beaten at the polls! They have always had a majority, but they always

get beaten! How could that be? It does seem, from the most reliable sources of information, that they have a majority, and have had a majority for some time. Why has not this majority come forward and taken possession of the government, and made a free-State constitution and brought it here? We should all have voted for its admission cheerfully. There can be but one reason: if they had brought, as was generally supposed at the time the Kansas-Nebraska act was passed would be the case, a free-State constitution here, there would have been no difficulty among the northern Democrats; they would have been sustained by their people. The statement made by some of them, as I understood, that that act was a good free-State act, would have been verified, and the northern Democratic party would have been sustained. But its coming here a slave State, it is hoped, will kill that party, and that is the reason they have refrained from going to the polls; that is the reason they have refrained from making it a free-State when they had the power. They intend to make it a free-State as soon as they have effected their purpose of destroying the Democratic party at the North, and now their chief object here is, to agitate slavery. For one, I am not disposed to discuss that question here in any abstract form. I think the time has gone by for that. Our minds are all made up. I may be willing to discuss it-and that is the way it should be and must be discussed—as a practical thing, as a thing that is, and is to be: and to discuss its effect upon our political institutions, and ascertain how long those institutions will hold together with slavery ineradicable.

The Senator from New York entered very fairly into this field yesterday. I was surprised, the other day, when he so openly said "the battle had been fought and won." Although I knew, and had long known it to be true, I was surprised to hear him say so. I thought that he had been entrapped into a hasty expression by the sharp rebukes of the Senator from New Hampshire; and I was glad to learn yesterday they had been well considered—that they meant all that I thought they meant; that they mean that the South is a conquered province, and that the North intends to rule it. He said that it was their intention "to take this Government from unjust and unfaithful hands, and place it in just and faithful hands;" that it was their intention to consecrate all the Territorics of the Union to free labor; and that, to effect their purposes, they

intended to reconstruct the Supreme Court.

Yesterday, the Senator said, suppose we admit Kansas with the Lecompton constitution—what guarantees are there that Congress will not again interfere with the affairs of Kansas? meaning, I suppose, that if she abolished slavery, what

guarantee there was that Congress would not force it upon her again. So far as we of the South are concerned, you have, at least, the guarantee of good faith that never has been violated. But what guarantee have we, when you have this Government in your possession, in all its departments, even if we submit quietly to what the Senator exhorts us to submit to-the limitation of slavery to its present territory, and even to the reconstruction of the Supreme Court-that you will not plunder us with tariffs; that you will not bankrupt us with internal improvements and bounties on your exports; that you will not cramp us with navigation laws, and other laws impeding the facilities of transportation to southern produce? What guarantee have we that you will not create a new bank, and concentrate all the finances of this country at the North, where already, for the want of direct trade and a proper system of banking in the South, they are ruinously concentrated? Nay, what guarantee have we that you will not emancipate our slaves, or, at least, make the attempt? We cannot rely on your faith when you have the power. It has been always broken whenever pledged.

As I am disposed to see this question settled as soon as possible, and am perfectly willing to have a final and conclusive settlement now, after what the Senator from New York has said, I think it not improper that I should attempt to bring the North and South face to face, and see what resources each of us might have in the contingency of separate or-

ganizations.

If we never acquire another foot of territory for the South, look at her. Eight hundred and fifty thousand square miles. As large as Great Britain, France, Austria, Prussia, and Spain. Is not that territory enough to make an empire that shall rule the world? With the finest soil, the most delightful climate, whose staple productions none of those great countries can grow, we have three thousand miles of continental shore line, so indented with bays and crowded with islands, that, when their shore lines are added, we have twleve thousand miles. Through the heart of our country runs the great Mississippi, the father of waters, into whose bosom are poured thirty-six thousand miles of tributary streams; and beyond we have the desert prairie wastes, to protect us in our rear. Can you hem in such a territory as that? You talk of putting up a wall of fire around eight hundred and fifty thousand square miles so situated! How absurd.

But, in this territory lies the great valley of the Mississippi, now the real, and soon to be the acknowledged seat of the empire of the world. The sway of that valley will be as great as ever the Nile knew in the earlier ages of mankind. We own the most of it. The most valuable part of it belongs to us now; and although those who have settled above us are now opposed to us, another generation will tell a different tale. They are ours by all the laws of nature; slave-labor will go over every foot of this great valley where it will be found profitable to use it, and some of those who may not use it are soon to be united with us by such ties as will make us one and inseparable. The iron horse will soon be clattering over the sunny plains of the South to bear the products of its upper tributaries to our Atlantic ports, as it now does through the ice-bound North. There is the great Mississippia, a bond of union made by Nature herself. She will maintain it forever.

On this fine territory we have a population four times as large as that with which these colonies separated from the mother country, and a hundred, I might say a thousand fold as strong. Our population is now sixty per cent. greater than that of the whole United States when we entered into the second war of independence. It is as large as the whole population of the United States was ten years after the conclusion of that war, and our exports are three times as great as those of the whole United States then. Upon our musterrolls we have a million of men. In a defensive war, upon an emergency, every one of them would be available. At any time, the South can raise, equip, and maintain in the field, a larger army than any Power of the earth can send against her, and an army of soldiers—men brought up on horseback, with guns in their hands.

If we take the North, even when the two large States of Kansas and Minnesota shall be admitted, her territory will be one hundred thousand square miles less than ours. I do not speak of California and Oregon; there is no antagonism between the South and those countries, and never will be. The population of the North is fifty per cent. greater than ours. I have nothing to say in disparagement either of the soil of the North, or the people of the North, who are a brave, and energetic race, full of intellect. But they produce no great staple that the South does not produce; while we produce two or three, and those the very greatest, that she can never produce. As to her men, I may be allowed to say, they have never proved themselves to be superior to those of the South,

either in the field or in the Senate.

But the strength of a nation depends in a great measure upon its wealth, and the wealth of a nation, like that of a man, is to be estimated by its surplus production. You may go to your trashy census books, full of falsehood and nonsense they tell you, for example, that in the State of Tennessee, the whole number of house-servants is not equal to one-half those in my own house, and such things as that. You may estimate what is made throughout the country from these census books, but it is no matter how much is made if it is all consumed. If a man is worth millions of dollars and consumes his income, ishe rich? Is he competent to embark in any new enterprise? Can he build ships or railroads? And could a people in that condition build ships and roads or go to war? All the enterprises of peace and war depend upon the surplus productions of a people. They may be happy, they may be comfortable, they may enjoy themselves in consuming what they make; but they are not rich, they are not strong. It appears, by going to the reports of the Secretary of the Treasury, which are authentic, that last year the United States exported in round numbers \$279,000,000 worth of domestic produce, excluding gold and foreign merchandise re-exported. Of this amount \$158,000,000 worth is the clear produce of the South; articles that are not and cannot be made at the North. There are then \$80,000,000 worth of exports of products of the forest, provisions, and breadstuffs. If we assume that the South made but one-third of these, and I think that is a low calculation, our exports were \$185,000,000, leaving to the North less than \$95,000,000.

In addition to this, we sent to the North \$30,000,000 worth of cotton, which is not counted in the exports. We sent to her \$7 or \$5,000,000 worth of tobacco, which is not counted in the exports. We sent naval stores, lumber, rice, and many other minor articles. There is no doubt that we sent to the North \$40,000,000 in addition; but suppose the amount to be \$35,000,000, it will give us a surplus production of \$220,000,000. But the recorded exports of the South now are greater than the whole exports of the United States in any year before 1856. They are greater than the whole average exports of the United States for the last twelve years including the two extraordinary years of 1856 and 1857. They are nearly double the amount of the average exports of the twelve preceding years. If I am right in my calculations as to \$220,000,000 of surplus produce, there is not a nation on the face of the earth, with any numerous population, that can compete with us in produce per capita. It amounts to \$16 66 per head, supposing that we have twelve million people. England with all her accumulated wealth, with her concentrated and educated energy, makes but sixteen-and-a-half dollars of surplus production per head. I have not made a calculation as to the North, with her \$95,000,000 surplus; admitting that she exports as much as we do, with her eighteen millions of population it would be but little over twelve dollars a head.

But she cannot export to us and abroad exceeding ten dollars a head against our sixteen dollars. I know well enough that the North sends to the South a vast amount of the productions of her industry. I take it for granted that she, at least, pays us in that way for the thirty or forty million dollars worth of cotton and other articles we send her. I am willing to admit that she sends us considerably more; but to bring her up to our amount of surplus production, to bring her up to \$220,000,000 a year, the South must take from her \$125,000,000; and this, in addition to our share of the consumption of the \$333,000,000 worth introduced into the country from abroad, and paid for chiefly by our own exports. The thing is absurd; it is impossible; it can never appear anywhere but in a book of statistics.

With an export of \$220,000,000 under the present tariff, the South organized separately would have \$40,000,000 of revenue. With one-fourth the present tariff she would have a revenue adequate to all her wants, for the South would never go to war; she would never need an army or a navy, beyond a few garrisons on the frontiers and a few revenue cutters. It is commerce that breeds war. It is manufactures that require to be hawked about the world, that give rise to navies and commerce. But we have nothing to do but to take off restrictions on foreign merchandise and open our ports, and the whole world will come to us to trade. They will be too glad to bring and carry for us, and we never shall dream of a war. Why the South has never yet had a just cause of war. Every time she has drawn her sword it has been on the point of honor, and that point of honor has been mainly loyalty to her sister colonies and sister States, who have ever since plundered and calumniated her.

plundered and calumnated her.

But if there were no other reason why we should never have war, would any sane nation make war on cotton? Without firing a gun, without drawing a sword, should they make war on us we could bring the whole world to our feet. The South is perfectly competent to go on, one, two, or three years without planting a seed of cotton. I believe that if she was to plant but half her cotton, for three years to come, it would be an immense advantage to her. I am not so sure but that after three total years' abstinence she would come out stronger than ever she was before, and better prepared to enter afresh upon her great career of enterprise. What would happen if no cotton was furnished for three years? I will not stop to depict what every one can imagine, but this is certain: England would topple headlong and carry the whole civilized world with her, save the South. No, you dare not make war on cotton. No power on earth dares to make war upon it. Cotton is king.

Until lately the Bank of England was king, but she tried to put her screws as usual, the fall before last, upon the cotton crop, and was utterly vanquished. The last power has been conquered. Who can doubt that has looked at recent events, that cotton is supreme? When the abuse of credit had destroyed credit and annihilated confidence, when thousands of the strongest commercial houses in the world were coming down, and hundreds of millions of dollars of supposed property evaporating in thin air, when you came to a dead lock, and revolutions were threatened, what brought you up? Fortunately for you it was the commencement of the cotton season, and we have poured in upon you one million six hundred thousand bales of cotton just at the crisis to save you from destruction. That cotton, but for the bursting of your speculative bubbles in the North, which produced the whole of this convulsion, would have brought us \$100,000,000. We have sold it for \$65,000,000, and saved you. Thirty-five million dollars we, the slaveholders of the South, have put into the charity box for your magnificent financiers, your "cotton lords," your "merchant princes."

But sir, the greatest strength of the South arises from the harmony of her political and social institutions. This harmony gives her a frame of society, the best in the world, and an extent of political freedom, combined with entire security, such as no other people ever enjoyed upon the face of the earth. Society precedes government; creates it, and ought to control it; but as far as we can look back in historic times we find the case different: for government is no sooner created than it becomes too strong for society, and shapes and moulds, as well as controls it. In later centuries the progress of civilization and of intelligence has made the divergence so great as to produce civil wars and revolutions; and it is nothing now but the want of harmony between governments and societies which occasions all the uneasiness and trouble and terror that we see abroad. It was this that brought on the American Revolution. We threw off a Government not adapted to our social system, and made one for ourselves. The question is how far have we succeeded? The South so far as that is concerned, is satisfied, harmonious, and prosper-

In all social systems there must be a class to do the menial duties, to perform the drudgery of life. That is, a class requiring but a low order of intellect and but little skill. Its requisites are vigor, docility, fidelity. Such a class you must have, or you would not have that other class which leads progress, civilization, and refinement. It constitutes the very mud-sill of society and of political government; and you

might as well attempt to build a house in the air, as to build either the one or the other, except on this mud-sill. Fortunately for the South, she found a race adapted to that purpose to her hand. A race inferior to her own, but eminently qualified in temper, in vigor, in docility, in capacity to stand the climate, to answer all her purposes. We use them for our purpose, and call them slaves. We found them slaves by the "common consent of mankind," which, according to Cicero, "lex nature est." The highest proof of what is Nature's law. We are old-fashioned at the South yet; it is a word discarded now by "ears polite;" I will not characterize that class at the North with that term; but you have it; it is

there; it is everywhere; it is eternal.

The Senator from New York said yesterday that the whole world had abolished slavery. Aye, the name, but not the thing; all the powers of the earth cannot abolish that. God only can do it when he repeals the flat, "the poor ye always have with you;" for the man who lives by daily labor. and scarcely lives at that, and who has to put out his labor in the market, and take the best he can get for it; in short, your whole class of manual laborers and "operatives," as you call them, are essentially slaves. The difference between us is, that our slaves are hired for life and well compensated; there is no starvation, no begging, no want of employment among our people, and not too much employment either. Yours are hired by the day, not cared for, and scantily compensated, which may be proved in the most painful manner, at any hour in any street in any of your large towns. Why, you meet more beggars in one day, in any single street of the city of New York, than you would meet in a lifetime in the whole South. We do not think that whites should be slaves either by law or necessity. Our slaves are black, of another and inferior race. The status in which we have placed them is an elevation. They are elevated from the condition in which God first created them, by being made our slaves. None of that race on the whole face of the globe can be compared with the slaves of the South. They are happy, content, unaspiring, and utterly incapable, from intellectual weakness, ever to give us any trouble by their aspirations. Yours are white, of your own race; you are brothers of one blood. They are your equals in natural endowment of intellect, and they feel galled by their degradation. Our slaves do not vote. We give them no politi-cal power. Yours do vote, and being the majority, they are cal power. the depositaries of all your political power. If they knew the tremendous secret, that the ballot-box is stronger than "an army with banners," and could combine, where would you be? Your society would be reconstructed, your government overthrown, your property divided, not as they have mistakenly

attempted to initiate such proceedings by meeting in parks, with arms in their hands, but by the quiet process of the ballot-box. You have been making war upon us to our very hearthstones. How would you like for us to send lecturers and agitators North, to teach these people this, to aid in combining, and to lead them?

Mr. Wilson and others. Send them along.

Mr. Hammond. You say send them along. There is no need of that. Your people are awaking. They are coming here. They are thundering at our doors for homesteads, one hundred and sixty acres of land for nothing, and Southern Senators are supporting them. Nay, they are assembling, as I have said, with arms in their hands, and demanding work at \$1,000 a year for six hours a day. Have you heard that the ghosts of Mendoza and Torquemada are stalking in the streets of your great cities? That the inquisition is at hand? There is afloat a fearful rumor that there have been consultations for Vigilance Committees. You know what that means.

Transient and temporary causes have thus far been your preservation. The great West has been open to your surplus population, and your hordes of semi-barbarian immigrants, who are crowding in year by year. They make a great movement, and you call it progress. Whither? It is progress; but it is progress towards Vigilance Committees. The South have sustained you in a great measure. You are our factors. bring and carry for us. One hundred and fifty million dollars of our money passes annually through your hands. Much of it sticks; all of it assists to keep your machinery together and in motion. Suppose we were to discharge you; suppose we were to take our business out of your hands; we should consign you to anarchy and poverty. You complain of the rule of the South: that has been another cause that has preserved you. We have kept the Government conservative to the great purposes of Government. We have placed her, and kept her, upon the Constitution; and that has been the cause of your peace and prosperity. The Senator from New York says that that is about to be at an end; that you intend to take the Government from us; that it will pass from our hands. Perhaps what he says is true; it may be; but do not forget-it can never be forgotten-it is written on the brightest page of human history-that we, the slaveholders of the South, took our country in her infancy, and, after ruling her for sixty out of the seventy years of her existence, we shall surrender her to you without a stain upon her honor, boundless in prosperity, incalculable in her strength, the wonder and the admiration of the world. Time will show what you will make of her; but no time can ever diminish our glory or your responsibility.





HON. GEO. HASTINGS, OF NEW YORK

ON THE

NEBRASKA AND KANSAS BILL,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, APRIL 20, 1854.

WASHINGTON: PRINTED AT THE CONGRESSIONAL GLOBE OFFICE. 1854.

HORRER

MINISTER BE SERVE ASSENTED

NEBRASKA AND KANSAS.

The House being in the Committee of the Whole on the state of the Union-

Mr. HASTINGS said:

Mr. Charbant In submitting a few remarks on a subject which seems to absorb all other questions of a public nature in this place and throughout the land, I feel that I ought to apologize to the committee, not only for following the practice here of speaking to a topic not legitimately under discussion, but for speaking at all of matters which are already becoming trite and wearisome. Much as I desire to define my position upon the important and bold proposition contained in the territorial bills sent to the committee for consideration, I should decline doing so did not my views differ somewhat from those expressed by other opponents of these bills.

It is proposed, in territory from which, by the law of 1820, known as the Missouri compromise, slavery was to be forever excluded, to organize two territorial governments, to repeal that prohibition, and thus to open to slavery all that vast domain. To those who are familiar with the history of that period, the proposition, to say the least of it, cannot but be a startling one. When the whole country was in repose, it struck upon the ear suddenly, like the ominous tones of the firebell at the dead of night. The people started up in amazement and alarm at the audacity of the proposition. The first impression on the public mind found vent in vehement charges of a violation of solemn compacts-a breach of good faith, and an attempt to extend slavery, and increase its power. In the course I have marked out for myself, I shall not indulge in these denunciations, but will briefly,

and as clearly as I am able, present my views of this proposition.

The prohibition in question has been called a compact, and the treasures of legal and philological learning have been exhausted by those who maintain, or those who oppose this opinion. For my part, I do not regard it as a compact, for it wants many of the essentials of a compact. I admit that so far as form is concerned it is a mere law. But when we call it a law, we have not told the whole truth. I shall not go into a history of the Missouri compromise; that ground has already been sufficiently traveled over. I only desire to state two or three plain propositions, which, as all must admit, are fully sustained by well known facts.

It cannot be denied that there was a sectional division in reference to the admission of Missouri, and that the law admitting her was supposed to confer an advantage upon the southern States of this Confederacy.

It is also true that this law could not have been passed without northern votes.

It is equally undeniable that these necessary votes could never have been obtained but for the concession to northern sentiment contained in this slavery prohibition.

Now, I submit to any candid mind, whether, in this view, the Missouri prohibition, although a mere law, does not possess the sanctity of a compact? Can the South, enjoying as it does all the advantages of the admission of Missouri as a sovereign State, without a violation of good failt recall this concession to northern sentiment against the will of the North? In this view of the case

it matters not that the slavery prohibition may have been unconstitutional; it matters not that Congress had no right to reject the demand of Missouri for admission; it matters not that the North has since refused to extend the same line across the newly acquired Territories. The prohibition, for whatever it was worth, was the price paid for the northern votes, by which Missouri was admitted. It was the poor compensation accorded to the free States for the political strength which the slave States obtained by the accession of another to their number. To illustrate this position, let me refer to the compromise measures of 1850. One of them is the prohibition of the slave trade in the District of Columbia: another the fugitive slave law. The first was a concession to northern sentiment; the last a boon to southern interest. They are separate and distinct laws; and neither, on the face, bears the slightest relation to the other. One became a law on the 18th, the other on the 21st, of September. And yet all who know anything

of the history of that time well know, that in the minds of the legislators, and of the country, they bore the most intimate relation to each other. Everybody knows that neither would have had a place on our statute-books, except upon the assurance that the other also should have a place beside it. Now, sir, I put it to gentlemen from slaveholding States, what would you say to us of the North if we, having the numerical strength, should attempt to exercise it by repealing the fugitive slave law? Would not the shrill voice of the eloquent gentleman from Georgia [Mr. STEPHENS] make the arches of this Hall to echo with denunciations of northern perfidy, such as even he never before uttered? Should we not hear one simultaneous outburst of indignation from southern gentlemen against such faithlessless? It would be in vain for us to answer that a majority of southern members of Congress voted against the abolition of slave marts in the District; and that

held equally sacred.

Let us examine the reasons for this attempt to repeal a law which, until now, has been regarded as inviolable. It is said to be "inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measure," and is therefore de-

therefore they violated the compact on their part.

It would be in vain for us to insist that the fugitive

slave law is unconstitutional, and that it is de-

grading to the North. The indignant reply would

be, we assented to your law because you gave us

ours, and good faith requires that both should be

clared "inoperative and void." Here is logic which I confess passes my comprehension. This principle of non-intervention is claimed to have been applied only to the Territories of Utah and New Mexico. Now, because this principle is inconsistent with a prior law which is applicable to other territory, for that reason the law is "inoperative and void." Sir, this is a plain and palpable non sequitur: the conclusion is "most lame and impotent"—it has not the slightest connection with the premises. The principle of a law applied to certain specified territory can never be inconsistent with the law of a separate and distinct territory, in such a sense as to render the latter "inoperative and void."

If there is any force at all in this reason, it lies in the assumption that the Congress of 1850, when they organized the Territories of Utah and New Mexico, intended to repeal the prohibition in ques-I do not know that any one pretends that the Thirty-First Congress really intended any such repeal, but, by a circuitous process of reasoning, an attempt is made to establish such a position by implication. It has been said here and elsewhere that any other view of the legislation of 1850 "is narrow and unstatesmanlike," and surprise has been expressed at the assertion from respectable quarters, "that the provisions touching slavery in New Mexico and Utah were not intended to establish any principle for the future action of Congress upon that subject."

Now, sir, I do not believe it can be shown that the new doctrine of popular sovereignty, as applied to Territories, was intended to be recognized by the legislation of 1850. I do not say that some of the friends of those bills did not put their support on that ground; but what I mean is, that the doctrine was not recognized clearly and distinctly, as the principle which controlled that legislation.

In order to understand precisely the effect of the laws admitting New Mexico and Utah, let us glance at the policy of our Government in reference to slavery from its foundation. It is very clear that the fathers of our Republic regarded slavery as an evil which, under our system, and with our views of human rights, must of necessity be temporary in its duration. Their whole policy looked to its restriction within its then existing limits, and its ultimate extinction. The propagation of slavery is a modern idea-it belongs to the nineteenth century-to this age-(Heaven save the mark!)-this "age of progress." The ordinance of 1787, by which slavery was prohibited in all the territory lying northwest of the Ohio river, received the vote of every Delegate from every State represented in Congress. The prohibition of the slave trade was another measure of the same char-The admission of the States of Missouri and Arkansas were not departures from this ancient policy. Slavery was recognized and tolerated by the French laws, as is well known, in the whole Louisiana territory. It actually existed, in 1820, in the limits of the present States of Missouri and Arkansas. Let it be remembered that the memorable struggle on that occasion was not whether the further extension of slavery should be prohibited, but whether another slave State should be admitted into the Union. It aimed directly at the abolition of slavery by congressional power. To the application of the policy of prohibiting slavery in those portions of the Louisiana purchase where it did not actually exist, I am not aware that there was any serious opposition. And the parallel of 360 30' was adopted, not, I apprehend, as an arbitrary compromise line between free and slave territory, but simply because slavery did not then practically exist north of that line, and west of the State of Missouri. The prohibition covered all the Louisiana purchase outside of the State of Louisiana, the then Territory of Arkansas, and the proposed State of Missouri, except a tract of land of no very great extent, lying between the Red river and the parallel of 360 30', then and now occupied by Indians. It was not then agreed that slavery should not be tolerated north of that line, and that it might exist south of it; it was simply an adherence to the old policy of preventing, by law, the extension of slavery over any territory of the United States which could properly be called practically free. When new territory was acquired from Mex-

ico, an attempt was made to extend the same policy over this acquisition. This attempt was vigorously resisted by the South. I need not dwell upon the history of a struggle so recent and so fresh in the minds of all. I refer only to results. The long and bitter contest terminated in a quasi abandonment of the restrictive policy, and the organization of two Territories with the right, when admitted as States, to come in with or without slavery, as, by their constitutions, they should provide. There was here, in the strongest view of the case, the recognition of no new principle, but simply a surrender of an old policy. It was intended to be a settlement of an irritating question, so far as it related to the Territories of New Mexico and Utah; and it is an unwarrantable assumption to give it any effect beyond this. I am willing to admit, however, that, as a precedent, it may govern in reference to any further extension of our borders, to which Young America may look with an expectant eve.

Whatever principle may be supposed to have been established by the legislation of 1850, it is: very certain that it was not the intention of those who participated in it to apply that principle to the territory then under the Missouri prohibition. Inproof of this, I point to the fact that at the last session of the Thirty-Second Congress a bill for the organization of the Territory of Nebraska was passed by this House, in which not one word was said about slavery or a repeal of the Missouri restriction. Indeed in the discussion attending the passage of the bill, I am not aware that the subject was even alluded to, except by the gentleman from Ohio, [Mr. Gippings,] who, in answer to a playful question by a gentleman from Pennsylvania, why the Wilmot proviso was not incorporated in the bill, replied, in substance, that he regarded the prohibition of 1820 as sufficient. Intrinsic evidence to sustain my view is furnished by the bill itself. The thing proposed is simply a repeal of the Missouri restriction, which could have been accomplished in ten words. If the legislation of 1850, or its principles, were understood or intended to apply to this territory, why was not the work done boldly and directly? Why all this circumlocution-this smoothing over-this covering up of the deed by soft phrases-this dragging in by the heels, as it were, of the doctrine of popular sovereignty? Ah, sir! it is the old story of the "cat in the meal tub." It is an attempt to hide the breach of legislative faith, by appealing to the prejudices of the people. If I am mistaken in my view of the legislation of 1850, why at this very session did the Committee on Territories, in the other wing of the Capitol, first report a bill without a repeal of the Missouri prohibition, and in their report expressly declare that this omission was intentional? Sir, I am not mistaken-the evidence in support of the position I take is conclusive, and no man can gainsay it. The legislation of 1850 did not contemplate the repeal of the Missouri compromise. If this view is " narrow and unstatesmanlike," it is the fault of the Thirty-First Congress, and not mine.

The question of slavery was settled in the territory acquired by the Louisiana purchase in 1820; in the territory acquired from Mexico it was settled by the legislation of 1850. In this settlement the whole country acquiresed, and the slavery agitation which had convulsed the land was quieted. In such a state of things the conventions of the two great political parties of the country were held at Baltimore in 1852. To prevent any further disturbance of the slavery issues, both conventions pledged their respective parties, substantially in

the same language to "resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt might be made." Both conventions solemnly agreed to abide by the settlement of the slavery issues then existing; and this agreement was ratified by the votes of millions of freemen at the ballot-box. Now, sir, I distinctly charge that this proposition to repeal the Missouri compromise is a breach of the plighted faith of both of the great political parties, and I ask southern Whigs, and Democrate both from the North and South, who sustain this bill, to meet the charge if they can.

. The time chosen for this experiment upon the popular endurance deserves notice. The " bleeding wounds" of the country, about which we heard so much in 1850, were cicatrised-the irritation was allayed, and the healing process well advanced. They needed only to be let alone-"non-intervention," to insure a perfect cure. Just at this time one of these wounds, rudely torn open, the fresh blood flows again. "You rub the sore when you should bring the plaster." And why, let me ask, is this done? Why, when the whole country desired repose, are the freemen of the North startled by the proposition to open to slavery the territory which had been consecrated to free labor by the most sacred legislation and by the common consent of North and South for thirty-four years-and this, too, as a remedy for agitation, when no agitation, in fact, existed? It is but another repetition of the folly chronicled in the familiar epitaph, "I was well-I would be better-I took physic, and here I am." In the circumstances it cannot be regarded otherwise than a gratuitous insult to the free States-an unprovoked buffet in the face of northern sentiment.

But, if by doing this great mischief we are really to accomplish a greater good, if, as the friends of this measure claim, we are to establish a principle which will forever set at rest slavery agitation, and bind North and South, as with bands of iron in one common brotherhood, we can almost reconcile ourselves to the deed. Let us examine briefly this doctrine of congressional non-intervention-this idea of popular sovereignty as applied to Territories-to see whether it is really a panacea for slavery agitation, or whether it is only a nostrum of a political empiric. If it is in good faith intended to subject all past and future legislation to this principle, and sever all connection between the General Government and slavery, I am with the friends of this measure with all my heart. I can almost venture to pledge to them the aid of the

whole Abolition party; for if I understand their views, that is precisely what they desire. It is obvious, however, that the adoption of such a principle will open wide the gates of a new and unexplored field of slavery agitation, into which hordes of political speculators and demagogues may enter. It will require but a moderate share of ingenuity to find material there for more than one presidential campaign.

Let us look at what may very possibly happen, when these Territories shall be organized, and clothed with all the majesty of popular sovereignty. Suppose, that as soon as the territorial doors are thrown open, the swift-footed freemen of the North shall rush in and take possession of this land of promise, shall control its legislation, and prohibit at once the introduction of slavery; or, suppose, what is by no means improbable, that the enterprising citizens of the flourishing Territory of Utah shall come over the mountains, expel the peculiar institution of the South and establish their own peculiar institutions-I ask, will the South submit to such an exclusion? What is to prevent a renewal of the slavery excitement in circumstances similar to these? What guaranty have we against it? Simply a legislative guaranty! Repeal the Missouri prohibition in the face of the party pledges to maintain it, and who, I ask in all the broad extent of this land, so stupid as to confide one moment in such a guarantee? We have the power to enact this law: the next Congress will have the same power to repeal it.

The truth is, sir, this idea of territorial self-government is a chimera-a solecism. The condition of a Territory is one of tutelage, with which absolute independence is wholly inconsistent. We appoint the officers of the Territories; we direct the mode of organizing the government; we prescribe its powers; and when the expenses of administering the government are to be paid, no one thinks of setting up as an objection, the doctrine of non-intervention. The device of not requiring the submission to Congress of the territorial laws, though ingenious, does not free the subject of the difficulty. The stubborn fact remains, that a Territory is not an independent State; its government is the mere creature of Congress, and from necessity, is subject to the control of Congress just so long as the territorial condition endures.

I have no doubt, sir, that the friends of this measure have the power to carry it through the House. The vote by which, contrary to their wishes, but as I think very properly, it was sent to this committee for consideration, is not a certain index of their strength. Indeed, the honorable gentleman from Kentucky takes courage from

that vote because, as he tells us, it " proved that there are ninety-six men here, who if waked up by an alarm bell at night would be ready to support the bill." As that gentleman is supposed to stand here as one of the sponsors of the bill, he is undoubtedly authorized to speak of the spirit that animates its friends. For my part, I can easily believe he has spoken truly. Indeed, when the supporters of this scheme shall be called up to the work of passing the bill through this House, I shall not think it at all strange, if some of them. at least, rather prefer to come at midnight. That hour would seem especially appropriate to the deed. But I ask gentlemen before they do this deed, before they strike the finishing blow to the little remaining confidence which the people repose in legislative compromises, to weigh well the consequences of the act. I speak not of the consequences to party organizations, for those are, from their nature, temporary and comparatively of little importance. I refer to the sectional jealousies, the mutual distrust, the want of faith in legislative integrity, that, like noxious weeds, must spring up all over this our fair inheritance, and turn its beauty into deformity, its fruitfulness into baleful luxuriance.

I did desire, sir, to say a few words in reference to political tests, but shall detain the committee only to say that, for one, I submit to no such tests. I wish no other indorsement of my Democracy than that which I have received from my constituents. I acknowledge the right of no man, or set of men, in high places or low, to try my political faith by any standard which they may choose to adopt. Nor am I willing to believe that any Democratic Administration will ever attempt the application of tests to the Democracy of the country. Should the attempt be made. I have no doubt the experimenters will find, to their own confusion. that the support of the Democracy is far more important to them than the support of an Administration can ever be to the Democracy.

THE KANSAS QUESTION.

AN ACT

ORGANIZING THE TERRITORIAL GOVERNMENT OF KANSAS;

EXTRACTS FROM PRESIDENT PIERCE'S MESSAGE IN REGARD TO THE

ONSTITUTIONAL RELATIONS OF SLAVERY;

SPECIAL MESSAGE OF THE PRESIDENT

IN REGARD TO KANSAS AFFAIRS;

SPECIAL MESSAGE OF THE PRESIDENT

IN COMPLIANCE WITH A RESOLUTION OF THE SENATE;

TOGETHER WITH

COPIES OF CERTAIN LETTERS AND PAPERS TRANSMITTED THEREWITH, IN RELATION TO RECENT DIFFICULTIES IN THE TERRITORY OF KANSAS, WITH EXTRACTS FROM MR. TOOMIPS SPEECH IN REPLY TO MR. HALE.

> WASHINGTON: PRINTED AT THE UNION OFFICE. 1856.

KANSAS QUESTION.

The following is the act establishing a territorial government in the Territory of Kansas:

AN ACT TO ORGANIZE THE TERRITORIES OF NEBRASKA AND KANSAS

The first eighteen sections of the act relate exclusively to the organization of the Territory of Nebraska.]

Sec. 19. And be it further enacted, That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit, beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the eastern boundary of New Mexico; thence north on said boundary to latitude thirty-eight; thence following said boundary westward to the east boundary of the Territory of Utah, on the summit of the Rocky mountains; thence northward on said summit to the fortieth parallel of latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Kansas; and when admitted as a State or States, the said Territory or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission: Provided, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: Provided, further, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Terri-tory of Kansas, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Kansas, or to affect the authority of the government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law or otherwise, which it would have been competent to the government to make if this act had never passed.

SEC. 20. And be it further enacted, That the executive power and authority in and over said Territory of Kansas shall be vested in a governor, who shall hold his office for four ears, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside within said Territory, and shall be commander-in-chief of the militia thereof. He may grant pardons and respites for offences against the laws of said Territory, and reprieves for offences against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory,

and shall take care that the laws be faithfully executed.

Sec. 21. And be it further enacted. That there shall be a secretary of said Territory, who shall reside therein, and hold his office for five years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the legislative assembly hereinalter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the legislative assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year, to the President of the United States, and two copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, to be deposited in the libraries of Congress; and in case of the death, removal, resignation, or absence of the governor from the Territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor during such vacancy or absence, or until another governor shall be duly appointed and qualified to fill such vacancy.

Sec. 22. And be it further enacted, That the legislative power and authority of said Territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The council shall consist of thirteen members, laxing the qualifications of voters, as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall, at its first session, consist of twenty-six members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue one year. The number of representatives may be increased by the legislative assembly, from time to time, in proportion to the increase of qualified voters: Provided, That the whole number shall never exceed thirty-nine. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the council and representatives, giving to each section of the Territory representation in the ratio of its qualified voters as And the members of the council and of the house of representatives nearly as may be. shall reside in and be inhabitants of, the district or county, or counties, for which they may be elected, respectively. Previous to the first election the governor shall cause a census, or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken by such persons and in such mode as the governor shall designate and appoint; and the persons so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof as the governor shall appoint and direct; and he shall at the same time declare the number of members of the council and house of representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of said council districts for members of the council shall be declared by the governor to be duly elected to the council; and the persons having the highest number of legal votes fog the house of representatives shall be declared by the governor to be duly elected members of said house of Provided, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the legislative assembly, the governor shall order a new election; and the persons thus elected to the legislative assembly shall meet at such place and on such days as the governor shall appoint; but thereafter, the time, place and manner of holding and conducting all elections by the people, and the apportioning the representation in the several councils or districts to the council and house of representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly : Provided, That no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

Sec. 23. And be it further enacted, That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly: Provided, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared, on eath, their intention to become such, and shall have taken an eath to support the Constitution of the United States and the provisions of this act: And provided further, That no officer, soldier, seaman, or marine, or other person in the army or many of the United States, or attached to troops in the service of the United States, shall be allowed to vote or hold office in said Territory by

reason of being on service therein.

Sec. 24. And be it further enacted, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall, the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the council and house of representatives of the said Territory shall, before it become a law, be presented to the governor of the Territory; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two-thirds of that house, it shall be come a law. But in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the assembly, by adjournment, prevent its return, in which case it shall not be a law.

Sec. 25. And be it further enacted, That all toweship, district and county officers, not

SEC. 25. Mad be it further enected, That all township, district and county officers, not betein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the Territory of Kanasa. The governor shall nominate, and, by and with the advice and consent of the legislative council, appoint all officers not herein otherwise provided for; and, in the first instance, the governor alone may appoint all said officers, who shall hold their offices until

the end of the first session of the legislative assembly; and shall lay off the necessary districts for members of the council and house of representatives, and all other officers.

SEc. 26. 3nd be it further enacted. That no member of the legislative assembly shall hold, or be appointed to, any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to the members of the first legislative assembly; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said Territory.

SEC. 27. And be it further enacted, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall consti-tute a quorum, and who shall hold a term at the seat of government of said Territory annu-ally; and they shall hold their offices during the period of four years, and until their suc-cessors shall be appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of justices of the peace, shall be as limited by law : Provided, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such man teases from the man decisions of said easier count of the supreme count, and trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error, and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States in the same manner, and under the same regulations, as from the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or the competent witness, shall exceed one thousand dollars; except only that in all cases involving title to slaves the said writs of error or appeals shall be allowed and decided by said supreme court without regard to the value of the matter, property, or title in controversy; and except also that a writ of error or appeal shall also be allowed to the Supreme Court of the United States from the decision of the said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of habeas corpus, involving the question of personal freedom: Provided, That nothing herein contained shall be construed to apply to or affect the provisions of the "act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelfth, seventeen hundred and ninety-three, and the "act to amend and supplementary to the aforesaid act," approved September eighteenth, eighteen hundred and fifty; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the said supreme and district courts of the said Territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are granted by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as may be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws, and writs of error and appeal in all such cases shall be made to the supreme court of said Territory, the same as in other cases. said clerk shall receive the same fees in all such cases which the clerks of the district courts of Utah Territory now receive for similar services.

Sec. 28. And be if further enacted. That the provisions of the act entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelfth, seventeen hundred and ninety-three, and the provisions of the act entitled "An act to amend, and supplementary to the aforesaid act," approved September eighteenth, eighteen hundred and fifty, be, and the same are hereby, declared to extend to and be in full

force within the limits of the said Territory of Kansas.

Sec. 29. And be if further enacted, That there shall be appointed an attorney for said Territory who shall continue in office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the Tresident, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Utah. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulations and penalties, and be cutited to the same fees, as

the marshal of the district court of the United States for the present Territory of Utah, and

shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

Sec. 30. And be it further enacted, That the governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The governor and secretary, to be appointed as aforesaid, shall, before they act as such, respectively take an oath or affirmation before the district judge, or some justice of the peace, in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the Chief Justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the Ferritory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and afterwards the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The governor shall receive an annual salary of two thousand five hundred dollars. The chief justice and associate justices shall receive an annual salary of two thousand dollars. The secretary shall receive an annual salary of two thousand dollars. The said salaries shall be paid quarter-yearly, from the dates of the respective appointments, at the treasury of the United States; but no such payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the legislative assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest usually travelled route; and an addi-tional allowance of three dollars shall be paid to the presiding officer of each house for each day he shall so preside. And a chief clerk, one assistant clerk, a sergeant-at-arms, and doorkeeper, may be chosen for each house; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day, during the session of the legislative assembly; but no other officers shall be paid by the United States: Provided, That there shall be but one ession of the legislature annually, unless, on an extraordinary occasion, the governor shall think proper to call the legislature together. There shall be appropriated, annually, the usual sum, to be expended by the governor, to defray the contingent expenses of the Territory, including the salary of a clerk of the executive department, and there shall also be appropriated, annually, a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses; and the governor and secretary of the Territory shall, in the disbursement of all moneys entrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall, semi-annually, account to the said Secretary for the manner in which the aforesaid moneys shall have been expended; and no expenditure shall be made by said legislative assembly for objects not specially authorized by the acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

Sec. 31. And be it further enacted, 'That the seat of government of said Territory is hereby located temporarily at Fort Leavenworth; and that such portions of the public buildings as may not be actually used and needed for military purposes, may be occupied and used, under the direction of the governor and legislative assembly, for such public purposes as may be

required under the provisions of this act.

Sec. 32. And be it further enacted, That a delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives, but the delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly. That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Kansas as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but 10 leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: Provided, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth of March, eighteen hundred and twenty, either pro-

tecting, establishing, prohibiting, or abolishing slavery.

SEC. 33. And be it further enacted, That there shall hereafter be appropriated, as has been customary for the territorial governments, a sufficient amount, to be expended under the direction of the said governor of the Territory of Kansas, not exceeding the sums heretofore appropriated for similar objects, for the erection of suitable public buildings at the seat of government, and for the purchase of a library, to be kept at the seat of government for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorney of said Territory, and such other persons, and under such regulations, as shall be prescribed by law.

SEC. 34. And be it further enacted, That when the lands in the said Territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six is each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

SEC. 35. And be it further enacted, That, until otherwise provided by law, the governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts; and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial displaces for moting course in the several countees or should reason and or said judicial districts by proclamation, to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, after, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts as to them shall seem proper and convenient.

Sec. 36. And be it further enacted, That all officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territory of Kansas, who, by virtue of the provisions of any law now existing, or which may be enacted during the present Congress, are required to give security for moneys that may be intrusted with them for disbursement, shall give such security, at such time and place, and in such manner as the Secretary

of the Treasury may prescribe.

See 37. And be it further enacted, That all treaties, laws, and other engagements made by the government of the United States with the Indian tribes inhabiting the territories embraced within this act, shall be faithfully and rigidly observed, notwithstanding anything contained in this act; and that the existing agencies and superintcudencies of said Indians be continued with the same powers and duties which are now prescribed by law, except that the President of the United States may, at his discretion, change the location of the office of superintendent.

APPROVED, May 30, 1854.

EXTRACT FROM THE PRESIDENT'S ANNUAL MESSAGE TO THE TWO HOUSES OF CONGRESS, DECEMBER 31, 1855.

When the confederated States found it convenient to modify the conditions of their associations by giving to the general government direct access, in some respects, to the people of the States, instead of confining it to action on the States as such, they proceeded to framc the existing Constitution, adhering steadily to one guiding thought, which was, to delegate only such power as was necessary and proper to the execution of specific purposes, or, in other words, to retain as much as possible, consistently with those purposes, of the independent powers of the individual States. For objects of common defence and security, they intrusted to the general government certain carcfully-defined functions, leaving all others as the undelegated rights of the separate independent sovereignties.

Such is the constitutional theory of our government, the practical observance of which has carried us, and us alone, among modern republics, through nearly three generations of time without the cost of one drop of blood shed in civil war. With freedom and concert of action, it has enabled us to contend successfully on the battle field against foreign foes, has elevated the feeble colonies into powerful States, and has raised our industrial productions, and our commerce which transports them, to the level of the richest and the greatest nations of Europe. And the admirable adaptation of our political institutions to their objects, combining local self-government with aggregate strength, has established the practicability of a

government like ours to cover a continent with confederate States.

The Congress of the United States is, in effect, that congress of sovereignties which good men in the Old World have sought for, but could never attain, and which imparts to America an exemption from the mutable leagues for common action, from the wars, the mutual invasions, and vague aspirations after the balance of power, which convulse, from time to time, the governments of Europe. Our co-operative action rests in the conditions of permanent confederation prescribed by the Constitution. Our balance of power is in the separate reserved rights of the States, and their equal representation in the Senate. That independent sovereignty in every one of the States, with its reserved rights of local self-government assured to each by their co-equal power in the Senate, was the fundamental condition of the Constitution. Without it the Union would never have existed. However desirous the larger States might be to re-organize the government so as to give to their population its proportionate weight in the common councils, they knew it was impossible, unless they conceded to the smaller ones authority to exercise at least a negative influence on all the measures of the government, whether legislative or executive, through their equal representation in the Senate. Indeed, the larger States themselves could not have failed to perceive, that the same power was equally necessary to them, for the security of their own domestic interests against the aggregate force of the general government. In a word, the original States went into this permanent league on the agreed premises of exerting their common strength for the defence of the whole, and of all its parts; but of utterly excluding all capability of reciprocal aggression. Each solemnly bound itself to all the others, neither to undertake, nor permit, any encroachment upon, or intermeddling with, another's reserved rights.

Where it was deemed expedient, particular rights of the States were expressly guarantied

Where it was deemed expedient, particular rights of the States were expressly guarantied by the Constitution; but, in all things besides, these rights were guarded by the limitation of the powers granted, and by express reservation of all powers not granted, in the compact of union. Thus, the great power of taxation was limited to purposes of common definee and general welfare, excluding objects appertaining to the local legislation of the several States; and those purposes of general welfare and common defenee were afterwards defined by specific enumeration, as being matters only of corelation between the States themselves, or be tween them and foreign governments, which, because of their common and general nature

could not be left to the separate control of each State.

Of the circumstances of local condition, interest, and rights, in which a portion of the States, constituting one great section of the Union, differed from the rest, and from another section, the most important was the peculiarity of a larger relative colored population in the

southern than in the northern States.

A population of this class, held in subjection, existed in nearly all the States, but was more numerous and of more serious concernment in the south than in the north, on account of natural differences of climate and production; and it was foreseen that, for the same reasons, while this population would diminish, and, sooner or later, cease to exist, in some States, it might increase in others. The peculiar character and magnitude of this question of local rigitles, not in material relations only, but still more in social ones, caused it to enter

into the special stipulations of the Constitution.

Hence, While the general government, as well by the enumerated powers granted to it as by those not enumerated, and therefore refused to it, was ferbidden to touch this matter in the sense of attack or officnce, it was placed under the general safeguard of the Union, in the sense of defence against either invasion or domestic violence, like all other local interests of the several States. Each State expressly stipulated, as well for itself as for each and all of its citizens, and every citizen of each State became solemnly bound by his allegiance to the Constitution, that any person held to service or labor in one State, escaping into another, should not, in consequence of any law or regulation thereof, be discharged from such service or labor, but should be delivered up on claim of the party to whom such service or labor might be due by the laws of his State.

Thus, and thus only, by the reciprocal guaranty of all the rights of every State against interference on the part of another, was the present form of government established by our fathers and transmitted to us; and by no other means is it possible for it to exist. If one State ceases to respect the rights of another, and obtrusively intermediales with its local interests—if a portion of the States assume to impose their institutions on the others, or refuse to fulfil their obligations to them—we are no longer united friendly States, but distracted, hostile ones, with little capacity left of common advantage, but abundant means of reciprocal

injury and mischief.

Practically, it is immaterial whether aggressive interference between the States, or deliberate refusal on the part of any one of them to comply with constitutional obligations, arise from erroneous conviction or blind prejudice, whether it be perpetrated by direction or indirection. In either case, it is full of threat and of danger to the durability of the Union.

Placed in the office of Chief Magistrate as the executive agent of the whole country, bound to take care that the laws be faithfully executed, and specially enjoined by the Constitution to give information to Congress on the state of the Union, it would be palpable neglect of duty on my part to pass over a subject like this, which, beyond all things at the present time,

vitally concerns individual and public security.

It has been matter of painful regret to see States, conspicuous for their services in founding this republic, and equally sharing its advantages, disregard their constitutional obligations to it. Although conscious of their inability to heal admitted and palpable social evils of their own, and which are completely within their jurisdiction, they engage in the offensive and hopeless undertaking of reforming the domestic institutions of other States wholly-beyond their control and authority. In the vain pursuit of ends, by them entirely unattainable, and which they may not legally attempt to compass, they peril the very existence of the Constitution, and all the countless benefits which it has conferred. While the people of the

southern States confine their attention to their own affairs, not presuming officiously to intermeddle with the social institutions of the northern States, too many of the inhabitants of the latter are permanently organized in associations to inflict injury on the former, by wrong-ful acts, which would be cause of war as between foreign powers, and only fail to be such in

our system, because perpetrated under cover of the Union.

Is it possible to present this subject, as truth and the occasion require, without noticing the reiterated but groundless allegation that the south has persistently asserted claims and obtained advantages in the practical administration of the general government, to the prejudice of the north, and in which the latter has acquiesced? That is, the States which either promote or tolerate attacks on the rights of persons and of property in other States, to disguise their own injustice, pretend or imagine, and constantly aver, that they, whose constitutional rights are thus systematically assailed, are themselves the aggressors. At the present time this imputed aggression, resting as it does only in the vague declamatory charges of political agilators, resolves itself into misapprehension, or misinterpretation, of the principles and facts of the political organization of the new Territories of the United States.

What is the voice of history? When the ordinance, which provided for the government of the territory northwest of the river Ohio, and for its eventual sub-division into new States, was adopted in the Congress of the confederation, it is not to be supposed that the question of future relative power, as between the States which retained, and those which did not retain, a numerous colored population, escaped notice, or failed to be considered. And yet the concession of that vast territory to the interests and opinions of the northern States, a Territory now the seat of five among the largest members of the Union, was in great measure the act

of the State of Virginia and of the south.

When Louisiana was acquired by the United States it was an acquisition not less to the north than to the south; for while it was important to the country at the mouth of the river Mississippi to become the emporium of the country above it, so also it was even more important to the whole Union to have that emporium; and although the new province, by reason of its imperfect settlement, was mainly regarded as on the Gulfof Mexico; yet, in fact, it extended to the opposite boundaries of the United States, with far greater breadth above than below, and was in territory, as in everything else, equally at least an accession to the northern States. It is mere delusion and prejudice, therefore, to speak of Louisiana as acquisition in the special interest of the south.

The patriotic and just men who participated in that act were influenced by motives far above all sectional jealousies. It was in truth the great event which, by completing for us the possession of the valley of the Mississippi, with commercial access to the Gulf of Mexico, imparted unity and strength to the whole confederation, and attached together by indis-soluble ties the east and the west, as well as the north and the south.

As to Florida, that was but the transfer by Spain to the United States of territory on the east side of the river Mississippi, in exchange for large territory, which the United States transferred to Spain on the west side of that river, as the entire diplomatic history of the transaction serves to demonstrate. Moreover, it was an acquisition demanded by the commercial interests and the security of the whole Union.

In the meantime the people of the United States had grown up to a proper consciousness of their strength, and in a brief contest with France, and in a second serious war with Great Britain, they had shaken off all which remained of undue reverence for Europe, and emerged from the atmosphere of those trans-Atlantic influences which surrounded the infant republic, and had begun to turn their attention to the full and systematic development of the internal resources of the Union.

Among the evanescent controversies of that period the most conspicuous was the question of regulation by Congress of the social condition of the future States to be founded in the

territory of Louisiana.

The ordinance for the government of the territory northwest of the river Ohio had contained a provision which prohibited the use of servile labor therein, subject to the condition of the extraditions of fugitives from service due in any other part of the United States. Subsequently to the adoption of the Constitution this provision ceased to remain as a law; for its operation as such was absolutely superseded by the Constitution. But the recollection of the fact excited the zeal of social propagandism in some sections of the confederation; and when a second State, that of Missouri, came to be formed in the territory of Louisiana, proposition was made to extend to the latter territory the restriction originally applied to the country situated between the rivers Ohio and Mississippi.

Most questionable as was this proposition in all its constitutional relations, nevertheless it received the sanction of Congress, with some slight modifications of line, to save the existing rights of the intended new State. It was reluctantly acquiesced in by southern States as a sacrifice to the cause of peace and of the Union, not only of the rights stipulated by the treaty of Louisiana, but of the principle of equality among the States guarantied by the Constitution. It was received by the northern States with angry and resentful condemnation and complaint, because it did not concede all which they had exactingly demanded. Having passed through the forms of legislation, it took its place in the statute book, standing open to repeal, like any other act of doubtful constitutionality, subject to be pronounced null and void by the courts of law, and possessing no possible efficacy to control the rights of the States which might thereafter be organized out of any part of the original territory of Louisiana.

Q. 9 - 24 morning

[From the Washington Union of February 16.]

THE LATEST AND THE BOLDEST.

The New York Tribune of Thursday contains statements respecting affairs in the Territory

of Kansas to which we wish briefly to call attention.

The first is that the last legislature of Kansas appointed sheriffs, judges, &c., to serve for a period of six years. This allegation is without a particle of foundation in truth, as will be seen by examining the copy of the "Statutes of the Territory of Kansas," published, "by authority," at the Shawnee M. L. School, and printed by John T. Brady, public printer. The last general assembly of Kansas provided that all public officers within the control of the Territory, except treasurer and comptroller, should be elected by the people at the general election for members of the general assembly for the year 1857. The treasurer and comptroller alone are elective by the general assembly, and they are to be chosen once every four years. We give a copy of so much of the act providing for election of sheriff as relaive to the falsehood of the Tribune:

Chapter 150, pp. 712, 713, sections 1 and 2.—Sheriff.

AN ACT PROVIDING FOR THE OFFICE OF SHERIFF, AND PRESCRIBING HIS DUTIES.

Be it enacted by the governor and legislative assembly of the Territory of Kansas, as follows :

Sec. 1. There shall be elected, by joint vote of the legislative assembly, at the present session, for each county, a sheriff, who shall hold his office until the general election for members of the legislative assembly, in the year eighteen hundred and fity-seven; and such sheriff, when elected, shall be commissioned by the governor, and shall take the oath of office prescribed by law, which shall be endorsed on his commission, and the same, so endorsed, shall be recorded in the office of the recorder of the county; and such sheriff, before entering upon the duties of his office, shall give bond, to be approved by the probate court, in a sum not less than two thousand dollars, nor more than fifty thousand dollars, as may be prescribed by the said probate court, conditioned that he will faithfully collect and pay over all moneys intrusted to him for collection, and account for all money coming into his hands, and faithfully and impartially demean himself in office; said bond shall be field and recorded in the recorder's office of the proper connty.

SEC. 2. At the general election for members of the legislative assembly for the year eighteen hundred and fifty seven, and every four years thereafter, the qualified voters of cach county shall elect a sheriff, who shall hold his office for the term of four years, and until his

successor shall be duly elected, commissioned, and qualified.

The provisions of law for the election of judges of probate are similar to those for election of sheriffs. It was necessary for the general assembly to elect those and other officers to serve for a brief period, in order that the machinery of territorial government might be put

promptly in motion.

In the same article, the Tribune says, that the right of suffrage in Kansas is "given to every man who pays, or in whose behalf is paid, a poll-tax of one dollar, although he may not have slept one night in the Territory," and publishes, to sustain the allegation, a copy of a law never enacted by the general assembly of Kansas, and, of course, of no authority there. We give the law as printed in the Tribune:

An act instituting a poll-tax.

Be it enacted, &c. Szc. 1. That every free white male above the age of twenty-one years, who shall pay to the proper officer in Kansas Territory the sum of one dollar as a poll-tax, and shall produce to the judges of any election within and for the Territory of Kansas a receipt showing the payment of said poll-tax, shall be deeined a legal voter, and shall be entitled to vote at any election in said Territory during the year for which the same shall have been paid: Provided, That the right of suffrage shall be exercised only be citizens of the United States, and those who have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of the act organizing the Territory of Kansas.

That the above is a forgery will be made apparent by reading the following, which are the only laws of Kansas prescribing the qualifications of voters:

Chapter 66, p. 332, section 11.-Elections.

AN ACT TO REGULATE ELECTIONS.

Be it enacted by the governor and legislative assembly of the Territory of Kansas, as follows:

Section 11. Every free white male citizen of the United States, and every free male Indian who is made a citizen by treaty or otherwise, and over the age of twenty-one years, who shall be an inhabitant of this Territory, and of the county or district in which he offers to rote, and shall have paid a territorial tax, shall be a qualified elector for all elective officers; and all Indians who are inhabitants of this Territory, and who may have adopted the customs of the white man, and who are liable to pay taxes, shall be deemed citizens: Provided, That no solder, seaman, or mariner, in the regular army or navy of the United States, shall be entitled to vote by reason of being on service therein: *And provided further*, That no person who shall have been convicted of any violation of any of the provisions of an act of Congress entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," approved February 12, 1793; or of an act to amend and supplementary to said act, approved 18th September, 1850; whether such conviction were by criminal proceeding, or by civil action for the recovery of any penalty prescribed by either of said acts, in any courts of the United States, or of any State or Territory, of any offence deemed infamons, shall be entitled to rote at any election, or to hold any office in the Territory: And provided further, That if any person offering to vote shall be challenged and required to take an oath or affirmation, to be administered by one of the judges of the election, that he will sustain the provisions of the above-recited acts of Congress, and of the act entitled "An act to organize the Territories of Nebraska and Kansas," approved May 30, 1854, and shall refuse to take such oath or affirmation, the vote of such person shall be rejected.

The only enactment by the general assembly of that Territory which relates to the "instituting of a poll tax," is the following:

Chapter 138, p. 680, section 1 .- Revenue.

AN ACT SUPPLEMENTAL TO AN ACT TO PROVIDE FOR THE COLLECTION OF THE REVENUE.

Be it enacted by the governor and legislative assembly of the Territory of Kansas, as follows:

Sec. 1. That, in addition to the provisions of an act entitled "An act for the collection of the revenue," the sheriff of each and every county shall, on or before the first Monday of October, A. D. 1835, collect the sum of one dollar as a poll tax from each person in the said Territory of Kansas who is or may be entitled to vote in said Territory, as provided in said act, to which this is supplementary.

The above statements by the Tribune are fair samples of the numberless wicked, stupid falsehoods daily published in that journal respecting public affairs in Kansas.

[From the Washington Union of the 16th February.]

THE BALLOT-BOX IN KANSAS.—THE ELECTION LAWS.

It turn out, in the end, that very much of the sectional agitation which prevails in regard to affairs in Kansas has been the result of a systematic and persistent scheme of misrepresentation and falsehood, conceived in a spirit of uncerrupulous avarice and finantiësm combined, and carried out for political purposes. No little of that devotion to freedom which has been the watchword of agitators in the free States will appear to be the concerted work of speculators, who calculate on enriching themselves at the expense of the peace and fraternity which should subsist between the two sections of the Union. It will be made apparent, in due season, that the celebrated Emigrant Aid Society originated in filthy lucre instead of in disinterested philanthropy, and that it is, in reality, a mammoth corporation, in which the stockholders expect to become rich in Kansas lands, and in heavy dividends upon the agitation which their agents have gotten up under the pretence of philanthropy and love of freedom.

We called attention, in our issue of this morning, to the bold falsehoods circulated by the Tribune in regard to the character of certain laws passed by the late Kansas legislature. This is part of the system of misrepresentation on which the agitation is sought to be kept up. We proceed now to make further extracts from the statutes of Kansas in regard to the preservation of the right of suffrage from fraud, violation, or improper influences. After the clamor that the abolitionists have raised as to the enormity of the laws of the Kansas legislature, the public mind will be surprised to find that there is no State or Territory in the confederacy in which the ballot-box is guarded and protected by more stringent laws than in Kansas. To establish this position, we extract from the "Act defining the punishment of offences affecting public trusts" the following sections for the preservation of the elective franchise in Kansas:

Chap. 52, p. 281, sections 24, 25, 26, 27, and 28.

Sec. 24. If any person, by menaces, threats, and force, or by any other unlawful means, either directly or indirectly, attempt to influence any qualified voter in giving his vote, or to deter him from giving the same, or disturb or hinder him in the free exercise of his right of suffrage, at any election held under the laws of this Territory, the person so offending shall, on conviction thereof, be adjudged guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.

SEC. 25. Every person who shall, at the same election, vote more than once, either at the same or a different place, shall on conviction, be adjudged guilty of a misdemeanor, and be punished by fine not exceeding fifty dollars, or by imprisonment in the county iail not exceed-

ing three months.

Sec. 26. Every person not being a qualified voter according to the organic law and the laws of this Territory, who shall vote at any election within this Territory, knowing that he is not entitled to vote, shall be adjudged guilty of a misdemeanor, and punished by fine not

exceeding fifty dollars.

SEC. 27. Any person who designedly gives a printed or written ticket to any qualified voter of this Territory, containing the written or printed names of persons for whom said voter does not design to vote, for the purpose of causing such voter to poll his vote contrary to his own wishes, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment.

Sec. 28. Any person who shall cause to be printed and circulated, or who shall circulate, any false and fraudulent tickets, which upon their face appear to be designed as a fraud upon voters, shall, upon conviction, be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and im-

prisonment.

This act to take effect and be in force from and after its passage.

EXTRACT FROM MR. TOOMBS' SPEECH IN REPLY TO MR. HALE

The senator paid a just tribute to one of the most philosophic, calm, and patriotic men produced by the Revolution—Mr. Madison—a man whom I regard as the model of a statesman. He quotes him as authority in favor of the prohibition. Well, sir, Mr. Madison's opinion on this subject, under his own hand, has been before the country for several years, in which he denies this power to Congress. The letter referred to has been printed for several years; it must, therefore, have escaped the senator's attention. I will read what he said upon this subject. I have not the book before ne, but I have this opinion, quoted in a speech which I delivered here two years ago, when the Kansas and Nebraska bill was under discussion. Mr. Madison, in his letter to Mr. Monroe, in 1820, says:

"On one side it naturally occurs that the right, being given from the necessity of the case, and in suspension of the great principle of self-government, ought not to be extended further nor continued longer than the occasion might fairly require."

That was as to the clause in the Constitution giving Congress power to make "all needful rules and regulations respecting the territory or other property belonging to the United States." But Mr. Madison goes further:

"The questions to be decided seem to be-

"1. Whether a territorial restriction be an assumption of illegitimate power; or,

"2. A misuse of legitimate power; and, if the latter only, whether the injury threatened to the nation from an acquiescence in the misuse, or from a frostration of it, be the greater.

"On the first point there is certainly room for difference of opinion; though for myself, I must own that I have always leaned to the belief that the restriction was not within the true scope of the Constitution."

This is an extract from a letter written by Mr. Madison, in 1820, to Mr. Monroe, then President of the United States, when the question arose, and when, I assert, this independent power of prohibition was seriously claimed for the first time in either branch of the Congress of the United States. Therefore, while the authority of Mr. Madison is quoted in support of this power, he himself, at the very time when the power was asserted, and excited the greatest amount of popular interest, spoke for himself, and gave his clear and explicit opinion against its constitutionality.

"Again, the gentleman says that General Washington was in favor of this prohibition. He invites us to go back to the fathers of the republic. It is wholly useless, I believe, to atlempt to set gentlemen right who do not intend to be set right, on a question of historical fact. The act p? August 7, 1789, which the senator quoted, and says that Washington signed, says not a word upon this question of prohibition. It does not allude to it in the remotest manner.

The ordinance of 1787 had been passed two years before; it had been accepted by the old confederation. The government of that Territory was in actual existence under the old confederation, with the right secured to Congress to appoint its officers. The new Constitution was adopted, and Congress met in 1789. By that Constitution Congress was bound by all contracts of the old government; and Congress passed this act:

"Whereas, In order that the ordinance of the United States in Congress assembled, for the government of the Territory northwest of the river Ohio, may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States."

That is what the bill proposed. To give effect to the ordinance, to adapt it to the present Constitution, they say it is necessary to pass this law; and what was it?

"Be it enacted, &c., That in all cases in which, by the said ordinance, any information is to be given, or communication made by the governor of the said Territory to the United States in Congress assembled, or to any of their officers, it shall be the duty of the said governor to give such information, and to make such communication to the President of the United States, and the President shall nominate, and, by and with the advice and consent of the Senate, shall appoint all officers, which by the said ordinance were to have been appointed by the United States in Congress assembled, and all officers so appointed shall be commission, by him; and in all cases where the United States in Congress assembled might, by the said ordinance, erocke any commission, or remove from any office, the President is hereby declared to have the same powers of revocation and removal."

This section does nothing but confer the powers which the contract gave to the old government to the new one, subject to the restrictions of the Constitution. Again, in the second section we find the following:

"Sec. 2. And be it further enacted, That in case of the death, removal, resignation, or necessary absence of the governor of the said Territory, the secretary thereof shall be, and is hereby authorized and required to execute all the powers, and perform all the duties of the governor during the vacancy occasioned by the removal, resignation, or necessary absence of the said governor."
"Approved August 7, 1789."

Approved August 1, 11es.

I have read every word of the act.

Mr. HALE.—I wish to ask the senator from Georgia, whether he does not consider that the ordinance of 1787 was as effectually re-enacted by that Congress as if set out in totidem

verbis in that act.

Mr. TOOMBS .- I certainly do not. It was not re-enacted at all. There was no effort to re-enact it. The ordinance purports on its face to be a contract between the people of Virginia, the inhabitants of the northwest Territory, and the government of the United States, perpetual and unalterable, except by the consent of all parties. It was accepted by all three of the parties. It was a contract executed. The first Congress found it in existence. Constitution had affirmed the validity of contracts made under the confederacy. The original ordinance provided for the appointment of officers by Congress. The act which the senator quoted, and which I have read, simply made that provision conform to the Constitution of the United States. How can the first Congress be said to have adopted the ordinance of 1787 by that action? By what construction can that be contended? It is said they accepted the grant with the prohibition of slavery. They did not even do that. But that same Congress, in which were Madison and the other great men whom the senator from New Hampshire named, did accept from North Carolina a grant of the territory which now constitutes the State of Tennessee, with a pro-slavery clause, and carried that clause in the territorial bill. Your territorial act for Tennessee not only carried out that provision, but extended it to all territory claimed by the United States south of the Ohio river. There was a tract of territory in the southwest which the United States claimed independently of any a tract or territory in the southwest which the United States chalmed independently of any State control or authority, and over that territory, in 1798, in the time of John Adams, a territorial government was established, and the set repeated the ordinance of 1787 in words, excluding the anti-slavery clause. The honorable senator from New Hampshire wants the practice of our fathers. I will give it to him. I say the prohibition of slavery cannot be found on the statute book, even impliedly, from the establishment of this government, under the Constitution, until 1280, and I stand ready at all times to make good the assertion, and demand proof of a single statute to the contrary. Such prohibition cannot be found in the statutes of the little and the statutes of the little and the State of the Stat statutes of the United States. The right to prohibit the people of the different States of this Union to go into the common Territories with their slave property, was never asserted by the Congress of the United States from 1789 to 1820. The elder Adams, of Massachusetts, sign.d a bill establishing a territorial government over a country claimed by independent authority-the only foot of territory which the United States claimed in their own right, without grant, unfettered by the conditions of any grant; and in regard to that Territory, they struck out in words the sixth or anti-slavery section of the ordinance of 1787, and extended the residue of the ordinance to it. It is true that, upon each division of the northwest territory, the whole ordinance was applied to each of its parts, but that was in pursuance of the contract with the old confederation.

In 1803, under the administration of Mr. Jefferson, we established the territorial governments of Orleans and Louisiana, and subsequently in the same region the Territories of Missouri and Arkansas. In 1819 we obtained a cession of Florida from Spain, and established a territorial government there. In all these cases there was no prohibition of slavery No such prohibition was enacted until 1820, upon the proposition to admit Missouri as a State. The Congress of 1820 was the first that ever assumed and exercised such a power. Thirty years had then clapsed since the formation of the Constitution. Almost all the fathers of our government had gone to their graves. Then it was that ambition, defeated hopes, blasted political prospects, brought strife and mischief into the public counsels; then it was that the equitable and just policy of our fathers was abandoned; then we "sowed the wind," and are now "reaping the whirlwind." Then it was, a former distinguished citizen of Massachusetts, though at that time a senator from New York, Rufus King, inaugurated the policy of prohibition. It had no support, no pretence of foundation, in the practice of the fathers from 1789 to 1820. Eight territorial governments were set in operation by Congress, by the fathers of the republic, without the assertion in any of them of this power of prohibition. When it was then proposed, those of the fathers who were living, Mr. Jefferson and Mr. Madison, and others, came forward and put their condemnation upon that assumption of unconstitutional authority.

I am very happy to observe the tonc of moderation expressed by the Senator from New Hampshire upon the general question. I cordially reciprocate it. If he only desires, as he asserts, that there shall be no agression on either side, I will strike hands with him, and let the question be settled on that basis, now, finally, and forever. The country will respond to the sentiment. Let there be no legislative aggression on either side. Look through the to the sentiment. Let there be no registative aggression on entire, and a book mindga the records of the country, and slow a single act, from the beginning of the government to this hour, where the south have perpetrated any aggression on the north, and I would claim it as a privilege to strike it from the statute book. Nor do I complain of any on the other side until 1830; but I do affirm that the moment when you said we should be shut out from the common Territories of the Union unless we abandoned our slave property, it was aggression. It is aggression to exclude fifteen States of this Union from the common territories purchased by the common blood and common treasure. We think no fair man can deny that proposition. This wrong was submitted to by the south for above thirty years, when similar questions, in the march of events, again arose in the national councils. Aequiescence was claimed as not only sanctifying the old wrong, but as a precedent for inflicting new ones. The country was aroused; the question spread from the halls of legislation to the homes of the people; and, upon a full and fair hearing, the patriotic men of the north pronounced against the usurpation, and united with us to defeat the attempted repetition of the wrong; and to bring back the legislation of the country to its ancient landmarks, by the repeal of the Missouri restriction; therefore, upon this most important and dangerous of all the forms in which the slavery question can be presented, we are now without aggression on either side. If the Senator from New Hampshire is sincere, he will stand there. The common property is open to the common enjoyment of all; let it remain so, and let us unite and firmly support those measures which will protect all alike in the peaceable enjoyment of their rights. port those measures when will protect all arise in the peaceane enjoyment of their rights. This was not achieved by the south. She could not do it. The patriotic men of the north magnanimously struck for the right—for equality under the Constitution.

Sir, (addressing Mr. Hall.) you may denounce them for it, but you cannot make your cause the cause of the north. It is not a question of sections. Thousands of men upon both

sides of Mason and Dixon's line are patriotic enough to treat it, as it deserves to be treated, as a question of the Constitution, and they have done so. You have not driven that great phalanx of true-hearted national men from the public councils by denouncing them as "dough faces."

I regretted exceedingly to hear the Senator from New Hampshire a few days since say that the north had always been practically in a minority in Congress, because we of the south bought up as many northern men as we wanted! The people of the south—one-third only of the white population of the United States—are thus deliberately charged by a northern senator with ruling the republic, and putting the north in a practical minority for fifty years, by purchasing up his countrymen. Sir, I stand here to-day, in behalf of the north, to repel the

Mr. HALE. Who made it?

Mr. TOOMBS. You said it; I have it before mc in your printed speech; I heard it delivered, and you are correctly reported. I deny it; it is a slander on my countrymen. Northern statesmen have sold themselves out in quantities to suit purchasers for fifty years! New Hampshire sell her honor and her interest to "southern slave-drivers!" If it had been truc, it would rather become her own son to have thrown the mantle over her shame, and concealed it from all eyes, even his own, than to have become her accuser. I think the concense it from all eyes, even ins own, man to have become her accuser. I think the senator may search in vain, even in the bitterest trades of abuse and vilification ever uttered by those whom he terms "border ruffians," for any language so strong, any accusation so diagraceful, as that made by himself against his own countrymen.

What proof is offered us in support of this accusation? He pointed us to the annexation of Texas. "Perhaps" said the senator, in this connexion, "that was a northern aggression." The question of the annexation of Texas was first brought before this body in a treat made by Pecident Tales. It was excited by a lower property of the senator when the provided th

treaty made by President Tyler; it was rejected by a large majority, composed of a majority

of the south as well as the north. It was adopted as a party measure by the democratic convention in 1844, which nominated Mr. Polk. It was openly and fairly put before the people of the United States; everywhere discussed and commented upon; emblazoned on every democratic beanner throughout the Union, and decided by the people in favor of annexation. It was carried by a great majority in New Hampshire, I presume against the senator's elequence, who, if I mistake not, was turned out of fine of party for opposing it. Were the people who supported this nexates bought by the south! Who bought the hardy, intelligent son of New Hampshire What pay did they receive? Who was rich enough to buy and the property of the people who was the major to the people who was rich enough to buy the south; who was rich enough to buy the party of the people who was rich enough to buy the party and the property of the people who was rich enough to buy the party applied, "Peor as I am, the king of England is not rich enough to buy me. (Applates) Six, whether the story be true of him or not, I doubt not that there are thousands of the incorruptible patriots of the land of Ethan Allen who would be proved to the party of the party with the proved and adopted of the came the party of the control of the party with whom they acted; they approved and adopted it. It was cleause they believed it was to the public interest; that it was a measure of sound policy. It was proposed by the party with whom they acted; they approved and adopted it. It was cleause they believed it was to the public interest; that it was a measure of sound policy. It was proposed by the party with whom they acted; they approved and adopted it. It was cleause they believed it was to the public interest; that it was a measure of sound policy. It was proposed by the party with whom they acted; they approved and adopted it. I was proposed by the party with whom they acted; they approved and adopted it. I was proposed by the party with whom they acted; they approved and adopt

New York supported that measure. Who bought her representatives? Who bought Pennsylvania? Who bought the men of the great West? They supported it. Who bought and who paid for Indiana, Illinois, and Michigan? They supported that measure. These wholesale, baseless, and unfounded charges will not intimidate, but they ought to arouse the men of the north to vindicate their honor, by indignantly repelling their libellers from their

councils.

The northern men, who support and maintain their own opinions on great constitutional questions, and have the fearjess independence to follow their convictions of duty, in the elegant wocabulary of the "friends of humanity," are usually termed "doughfaces" bought up by the south to betray the north. Who bought the Nestor of the Senate, [Mr. Cass,] who, with patriotic firmness, maintained his constitutional opinions, and voted against restrictiun, amid the yells and shrieks of his abolition detractors? He is commonly represented by this class as the chief of "doughfaces." Did the fourteen senators from the non-slaveholding States, who voted for the Kansas bill, sell out themselves and their country? It is true that some of them have fallen victims to temporary causes. The abolitionists and the dark-lantern conspiracy in some States fraternized, and succeeded in cutting some of them down. Such things are to be expected in all free countries. We cannot be wholly exempt from errors and delusions. Madness will sometimes, but only for a time, "rule the lour." We must take the good with the evil, with the firm trust that popular intelligence and patriotism will finally vindicate themselves, and come to the support of the right.

The Senator seeks every occasion to ally himself and his cause with the north; hence he artfully defends the Puritans from imputations which my friend from Tonnessee [Mr. Jones] had never east upon them. He told us the north would fight. I believe that nobody ever döübted that any portion of the people of the United States would fight on a proper occasion. Sir, if there shall ever he civil war in this country, when honest men shall set about cutting each other's throats, those who are least to be depended on in a fight will be the people who will set them at it. There are courageous and honest men enough in both sections of the Union to fight. You may preach in your pulpits in favor of sending Sharpe's rifles to Kanssa, and you may succeed in getting courageous men to go there to use them. Not the least misfortune resulting from it will be, that those who stir up the strife are not apt to be found even within the reach of a far-shooting Sharpe's rifle. No, sir, there is no question of courage involved. The people of both sections of the Union have illustrated their courage on too many battle-fields to be questioned. They have shown their fighting qualities shoulder to shoulder together whenever their country has called upon them; but that they may never come in contact with each other in fraternal war, should be the ardent wish and earnest desire of every true man and honest patrict.

With reference to that portion of the senator's argument justifying the "Emigrant Aid Southers"—whatever may be their policy, whatever may be the tendency of that policy to produce strife—If they simply aid emigrants from Massachusetts to go to Kansas, and to become citizens of that Territory, I am prepared to say that they violate no law; and they had a right to do it, and every attempt to prevent them doing so violated the law, and ought not to be sustained. But if they have sent persons there furnished with arms, with the intent to offer forcible resistance to the constituted authorities, they are guilty of the highest crime

known to civil society, and are amenable to its penalties. I shall not undertake to decide upon their conduct. The facts are not before me, and I therefore pass it by.

I shall be pardoned, I trust, for not going into crimination or recrimination, as to the matters in dispute between the emigrants sent out by the Aid Societies and the inhabitants of Missouri. It is wholly immaterial to this issue who is right and who is wrong. If wrongs have been committed, apply the law to such as come within its provisions. If the law is too weak, apply force in aid of its execution, and to any extent necessary to its execution, and no further.

I know that many gentlemen with whom I have corresponded, and from whom I have otherwise heard, in western Missouri, General Atchison among them, ask for nothing more. They simply demand that the actual settlers who go to that country shall have a fair opportunity to establish those domestic institutions which they may think proper. General Atchison took this ground in the Senate. I am very sure he stands upon it now. I shall, therefore, dismiss the anonymous, unsupported charges against him. He is ready at all times to answer for himself; and, I-am sure, in every contingency he will maintain that lofty character which he has always sustained.

Mr. HALE. I made no charge against him. I disclaimed any such purpose. I simply

read the extracts, and gave my authority for them.

Mr. TOOMBS. If the Senator made no charge, I must say that I cannot commend the good taste or fairness of retailing against an honest man rumors or charges derogatory to his character, picked up in the streets, or in irresponsible newspapers. I doubt not the senator did that wrong unintentionally. I think, in that respect, the senator erred—more especially as the conduct of Mr. Atchison is not called in question, and can in no wise affect the ques-

tions under consideration. The senator alluded to the Dorr rebellion in Rhode Island, and went back twelve or thirteen years and presented us with the views then entertained by President Pierce on what he calls "squatter sovereignty." Many of the resolutions" which he read as having been offered by the President I approve. A large portion of them I approve; they announced some sound constitutional truths. Some of them I am not prepared to say I wholly approve. But I do approve to the fullest extent everything the President has done in this matter, and I cannot suffer the senator to set off one against the other-and I see no other reason why those resolutions are brought here. But I can see no discrepancy between the President's opinions now and then. The complaint in Kansas is not against organic law, but against ordinary legislation, remediable at any time by the ballot box. It is to enforce these laws while they exist, and to protect the free exercise at the ballot box of the right to change, and at the instance of both parties, that the President feels it incumbent on him to prepare to bring the military in aid of the civil authority. I know there is a government in Kansas which was put there by authority of the United States. I know there is a governor and a legislature, and laws providing for the administration of justice. These are lawlessly assailed; it is his duty to protect them.

* The following extract from Mr. Hale's speech shows the resolutions offered by General Pierce in 1842 at the meeting which extended an asylum to Governor Dorr, who was then a

refugee, from the oppressions of the minority in the State of Rhode Island :

"It cannot have escaped the recollection of gentlemen that about fourteen years ago there was a very noted individual in this country by the name of Thomas W. Dorr, who claimed to be elected governor of Rhode Island; but the result of his election was that he found that left there and went first to Connecticut, and remained there a little while, and then came to New Hampshire. When he arrived in New Hampshire a large public meeting was holden in Concord on the 14th day of Droember 1849 and the came to the control of the contro he would be safer in any other State than the one of which he claimed to be governor. in Concord on the 14th day of December, 1842, and at that meeting General Pierce delivered a very congratulatory speech to Governor Dorr, and closed with the presentation of a series

of resolutions, which, as they are not long, I will read:
"'1. Resolved, That all government of right originates from the people, is founded in con-

sent, and instituted for the general good.

" 2. Resolved, That whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to, reform the old and establish a new form of government.

""3. Resolved, That if the friends of liberty should wait for leave from tyrants to abolish tyranny, the day of free government would never dawn upon the eyes of the oppressed mil-

lions of our race.

" 4. Resolved, That when the people act in their original sovereign capacity in forming and adopting new systems of government they are not bound to conform to any rules or forms of pro-

ceeding not instituted by themselves.

" '5. Resolved, That the adoption of the people's constitution in Rhode Island by thirteen thousand nine hundred and forty-four votes, being an acknowledged and large majority of the whole male adult population of that State, was such an act of the people in their sovereign capacity as rendered it the paramount law of the State."

POPULAR SOVEREIGNTY IN THE TERRITORIES.

THE DEMOCRATIC RECORD.

The purpose of this publication is simply to exhibit the Democratic Record, as it was made by the Representative Men of the Party, on the doctrine of Popular Sovereignty in the Territories.

Hon, DANIEL S. DICKINSON, of New York, introduced into the Senate, on the 14th day of December, 1847, the following resolutions:

"Resoluted, That true policy requires the go-vernment of the United States to strengthen its political relations upon this continent by the annexation of such contiguous territory as may conduce to that end and can be justly obtained, and that neither in such acquisition, nor in the territorial organization thereof, can any conditions be constitutionally imposed, or institutions be provided for or established, inconsistent with the rights of the people thereof to form a free sovereign State, with the powers and privileges of the original members of the confederacy.'

"Resolved, That in organizing a territorial government for territory belonging to the United States, the principles of self-government, upon which our federative system rests, will be best promoted, the true spirit and meaning of the constitution be observed, and the confederacy strengthened, by leaving all questions concerning the domestic policy therein to the legislature chosen by the people thereof."-Cong. Globe. vol. 18, p. 21.

Mr. Dickinson spoke at large on his resolutions on the 12th day of January, 1848. The following is an extract of his speech :-

"The republican theory teaches that sovereignty resides with the people of a State, and not with its political organization; and the Declaration of Independence recognizes the right of the people to alter and abolish or reconstruct their government. If sovereignty resides in the people, and not in the organization, it rests as well with the people of a Territory, in all that concerns their internal condition, as with the people of an organized State. And if it is the right of the people, by virtue of their innate soveeignty, to alter or establish and reconstruct their government, it is the right of the inhabitents of a Territory, by virtue of the same inborn attribute, in all that appertains to their domestic concerns, to fashion one suited to their con-

"Although the government of a Territory has not the same sovereign power as the government of a State, in its political relations the people of a Territory have, in all that appertains to their internal condition, THE SAME SOVEREIGN RIGHTS AS THE PEOPLE OF A STATE."-Appendix Cong. Globe, vol. 19, p. 88.

The Georgia Democratic State Conven-TION which was held at Milledgeville in 1847 unanimously adopted the following:-

" Resolved, That Congress possesses no power under the constitution to legislate in any way or manner in relation to the institution of slavery. It is the constitutional right of every citizen to remove and settle with his property in any of the Territories of the United States.

"Resolved, That the people of the South do not ask of Congress to establish the institution of slavery in any of the Territories that may be acquired by the United States; they simply require that the inhabitants of each Territory shall be left free to determine for themselves whether the institution of slavery shall or shall not form a part of their social system."

The foregoing resolutions were reported to the Convention by a committee consist-ing of F. H. Cone, R. A. L. Atkinson, Jesse Carter, W. S. Johnson, Robert Griffin, Thos. Hilliard, W. W. Wiggins, E. W. Chastain, W. J. Lawton, S. W. Colbert, and D. Phil-lips. They were voted for, among others, by Hon. James Jackson, now a Representative in Congress from Georgia, and Lucius Q. C. Lamar, now a Representative in Congress from Mississippi, but then a citizen of Newton county, Ga.

Extract of the speech of Hon. ALFRED Iverson, of Georgia, (now a Senator of the United States,) in the House of Representatives, July 26, 1848 :-

"It has been objected that the position assumed by General Cass, and approved by the great body of the Democratic party, in every section of the Union, that Congress has no power over the

question of slavery, and that it belongs exclusively to the people of the Territories themselves, is worse for the South than the doctrine of the

Wilmot proviso. We are told that slavery is executive nor legislative branches of the federal now excluded from New Mexico and California, and that the question must be decided against the South, if left to their inhabitants. Sir, suppose this to be true, how much worse off are we than if the jurisdiction be left to Congress? If the power be admitted to the federal government, who does not see and know that the adoption of the Wilmot proviso is inevitable? The only guarantee against its adoption at the present moment is the constitutional scruples of the Northern democrats, and the exercise of the veto power. Remove these, by admitting the constitutional power, and the Wilmot proviso is fastened upon us for all time to come. then, can the South lose by leaving the question to the people of the Territories, rather than to the Congress of the United States? Sir. I do not propose to argue the constitutional power, either in Congress or the Territories, over this subject. Much difference of opinion exists as to whether the power is in the federal government, or in the hands of the people of the Territories. questions have been ably argued by those who have gone before me in this debate, and I do not intend to occupy the time of the committee in their renewed discussion. It is admitted, however, by all parties, that there is a point of time at which this question of slavery or no slavery may be, and must be, decided by the people of the Territories: when they meet in convention, in the exercise of sovereign authority, to form a constitution preparatory to admission into this Union as a State. The only difference of opinion upon the point is, whether the people may or may not, under the constitution, exercise this power by territorial legislation prior to the formation of a State constitution. Sir, without discussing or deciding the question, I do not consider it a matter of essential importance AT WHAT TIME this power may be exercised by the people of the Territories. It is, in my opinion, of infinitely more importance, both to the South and to the Union, THAT THE POWER BE LEFT TO THE TERRI-TORIES, instead of the federal government."-Appendix Cong. Globe, vol. 19, p. 965.

Extract of the speech of Hon. Thomas G. PRATT; of Maryland, in the Senate, July 30, 1850, when the Compromise measures were under discussion, on the motion of Mr. Norris, of New Hampshire, to strike out from the tenth section of the Territorial Bills the words, "establishing or prohibiting African slavery," the purpose of which in the Bills was to inhibit the people of the Territories from legislating on the subject:-

"The great doctrine of the South, as I understand it, and the only true ground on which the South can stand, is the doctrine of non-intervention. Now, what I understand by non-intervention, is the denial of the executive and legislative authority of the federal government of all power over the subject of slavery, anywhere and everywhere. That is the non-intervention upon which I have been taught to rest the rights of the South. That is the non-intervention upon which I am now willing to rest them, -that neither the

government have the power, in any way whatever, to interfere with the subject of domestic slavery anywhere. And I am therefore perfectly willing that the amendment which was originally adopted should be stricken out, as proposed by my friend from New Hampshire, [Mr. Norris.]

"But there is another reason which it seems to me must render this provision, in the eyes of every one, inoperative, if it continue in the bill. You have this morning adopted an amendment by which the Territorial government established by the bill is not to operate, in præsenti, within the larger portion of the territory claimed as New Mexico. Therefore, in consequence of that restriction, there could be no legislation in reference to the subject of slavery within that

Territory at the present time.
"With regard to the other Territory, Utah, slaves are already held there; and if you give the people of that Territory power to regulate it,-WHICH THEY WOULD HAVE IF THIS CLAUSE IS STRICKEN OUT,-they would legislate in favor of that Southern institution in which we are inte-I, therefore, for one, as a Southern man, standing up for the rights of the South as much as any man here, am willing that this clanse should be stricken out, more particularly when it will gain some votes for the bill."-App. Cong. Globe, vol. 22, part 2, p. 1464.

Extract of the speech of Hon. Stephen A. Douglas, of Illinois, in the Senate, June 3, 1850:-

"The Senator from Mississippi puts a question to me as to what number of people there must be in a Territory before this right to govern themselves accrues. Without determining the precise number, I will assume that the right ought to accrue to the people at the moment they have enough to constitute a government; and, sir, the bill assumes that there are people enough there to require a government, and enough to authorize the people to govern themselves. If, sir, there are enough to require a government, and to authorize you to allow them to govern themselves, there are enough to govern themselves upon the subject of negroes as well as concerning other species of property and other descriptions of institutions. Your bill concedes that government necessary. Your bill concedes that a representative government is necessary,-a government founded upon principles of popular sovereignty and the right of the people to enact their own laws; and for this reason you give them a legislature constituted of two branches, like the legislatures of the different States and Territories of the Union; you confer upon them the right to legislate upon all rightful subjects of legislation, except negroes. Why except negroes? Why except African slavery! If the inhabitants are competent to govern themselves upon all other subjects, and in reference to all other descriptions of property,—if they are competent to regulate the laws in reference to master and servant, and parent and child, and commercial laws affecting the rights and property of citizens,-they are competent also to enact laws to govern themselves in regard to slavery and they are entitled to any government at all, you concede the points that are contended for

"They [the committee of thirteen on Mr.

Clay's resolutions] make the distinction that the people of the Territories are to govern themselves in respect to the rights of all kinds of property but African slaves. I want to know why this exception? Upon what principle is it made? Is it not as important as any other right in property? Why, then, should it be excepted and reserved? And, sir, if you reserve it, to whom do you reserve it? To this Congress? No, sir; you deny it to the people, and you deny it to the govern-

ment here. * "Now, Mr. President, I have a word to say to the honorable Senator from Mississippi, [Mr. Davis. He insists that I am not in favor of protecting property, and that his amendment is offered for the purpose of protecting property under the Constitution. Now, sir, I ask you what authority he has for assuming that? Do I not desire to protect property because I wish to allow these people to pass such laws as they deem proper RESPECTING THEIR RIGHTS IN PROPERTY, WITH-OUT ANY EXCEPTION? He might just as well say that I am opposed to protecting property in merchandise, in steamboats, in cattle, in real estate, as to say that I am opposed to protecting property of any other description; for I desire to put them all on an equality, AND ALLOW THE PEOPLE TO MAKE THEIR OWN LAWS IN RESPECT TO THE WHOLE OF THEM."-Cong. Globe, vol. 21, part 2, pp. 1115, 1116.

Extract of Mr. Douglas's speech, at Chicago, October 23, 1850 :-

"The first three of these measures, [the Compromise Measures,] California, Utah, and New Mexico-I prepared with my own hands, and reported from the Committee on Territories, as its Chairman, in the precise shape in which they now stand on the statute books, with one or two important amendments, for which I also voted. I, therefore, hold myself responsible to you, as my constituents, for those measures as they passed. If there is any thing wrong in them, hold me accountable; if there is any thing of merit, give the credit to those who passed the bills. These measures are predicated on the great fundamental principle that every people ought to possess the right of forming and regulating their own internal concerns and domestic institutions, in * their OWN WAY.

* * "To question their competency to do this, was to deny their eapaeity for self-government. If they have the requisite intelligence and honesty to be intrusted with the enactment of laws for the government of white men, I know of no reason why they should not be deemed competent to legislate for the negro. If they are sufficiently enlightened to make laws for the protection of life, liberty, and property-of morals and education-to determine the relation of husband and wife, of parent and child, I am not aware that it requires any higher degree of civilization to regulate the affairs of master and servant.

negroes! Why, when you concede the fact that | These things are all confided by the Constitution to each State to decide for itself, AND I KNOW OF NO REASON WHY THE SAME PRINCIPLE SHOULD NOT BE EXTENDED TO THE TERRITORIES. My votes and acts have been in accordance with these views in all eases, except the instances in which I voted under your instructions. Those were YOUR VOTES, AND NOT MINE. I entered my protest against them at the time, before and after they were recorded, and shall never hold myself responsible for them."

> Extract of the report of the Committee on Territories, accompanying the Nebraska bill, when first reported to the Senate by Mr. Douglas, chairman, January 4, 1854:-

"In the judgment of your committee, these measures (compromise measures of 1850) were intended to have a far more comprehensive and enduring effect than the mere adjustment of the difficulties arising out of the recent acquisition of Mexican territory. They were designed to establish certain great principles, which would not only furnish adequate remedies for existing evils, but in all time to come, avoid the perils of a similar agitation, by withdrawing the question of slavery from the halls of Congress and the political arena, and committing it to the arbitrament of those who were immediately interested in and alone responsible for its consequences."

Extract of the speech of Mr. Douglas, closing the debate in the Senate, on the night of the passage of the Kansas-Nebraska act, March 3, 1854:-

"Mr. President, as there has been so much misrepresentation upon this point, I must be permitted to repeat that the doetrine of the report of the committee, as has been conclusively proved by these extracts, is-

"First. That the whole question of slavery should be withdrawn from the halls of Congress and the political arena, and committed to the arbitrament of those who are immediately interested in and alone responsible for its exist-

" Second. In applying this principle to the Territories and the new States to be formed therefrom, all questions pertaining to slavery were to be referred to the people residing

" Third. That the committee proposed to carry these propositions and principles into effect in the precise language of the compromise measures of 1850.

"Are not these propositions identical with the principles and provisions of the bill on your table? If there is a hair's breadth of discrepancy between the two, I ask any Senator to rise in his place and point it out. Both rest upon the great principle which forms the basis of all our institutions-that the people are to decide the question for themselves, subject only to the Constitution."-App. Cong. Globe, 1st Sess. 83d Cong., vol. 29, p. 327.

Extract of the remarks of Hon. W. A. RICHARDSON, of Illinois, (who, as Chairman sas-Nebraska bill to that body,) January 12, 1856:---

"The Constitution does not, in my opinion, carry the institutions of any of the States into any of the Territories; but it affords the same protection there to the institutions of one State as of another. The citizen of Virginia is as much entitled in the common Territory to the protection of his property under the Constitution as the citizen of Illinois; but both are dependent upon the legislation of the territorial government for laws to protect their property of whatever kind it may be. Thus it will be seen that though there may be upon this point a difference theoretically, involving questions for judicial decision, yet there is none, practically, among the friends of non-intervention by Congress, as the practical result is to place the decision of the question in the hands of those who are most deeply interested in its solution, namely, the people of the Territory, who have made it their home, and whose interests are the most deeply involved in the character of the institutions under which they are to live. If this great principle of nonintervention and self-government is wrong, then indeed the American Revolution was fought in vain, and it is time we cease to venerate the memory of the patriotic dead who purchased with their fortunes and blood the free institutions of the several separate, independent, and coequal States, forming the Union under which we have so prosperously and happily grown to be so great."—See Congressional Globe, 1st Sess. 34th Cong., part 1, pp. 222, 223.

Extract of the speech of General Lewis Cass, of Michigan, (now Secretary of State of the United States,) in the Senate of the United States, May 20, 1854:-

"It is up-hill work, Mr. President, in this country, for any man, however splendid his talents or commanding his position, to contend against this doctrine. It landed with our fathers upon the beach of Jamestown and the Rock of Plymouth, and has been treasured in their hearts through all their trials and difficulties to this, the great day of its glorious consummation. It has accompanied the pioneers through the passes of the Rocky Mountains, and has planted itself, with the beloved flag of our country, upon the very shores that look out upon China and Japan. 'Oh! squatter sovereignty, where were you then?' emphatically asks its great opponent, alluding to territorial history. I was then-may then be answered to this invocation-I was then in the Declaration of Independence, and I am now, as ever, in the bearts of the American people, and am firmly established in the tables of their law. The relations between the Territories and the general government are not well defined by the Consti-

"There are those, and I am among them, who find no authority in that instrument for Congressional action in this matter, and can justify

of the Committee on Territories in the it only from the necessity of the ease. Others House of Representatives, reported the Kan-contend that the jurisdiction is unlimited; while many, though willing to accept a limitation, ean with difficulty define it. But whatever theoretical opinions may prevail upon this subject. Congress has never practically asserted the right of entire legislation; and, indeed, with some unimportant exceptions, and a single important one-the slavery proviso-the internal concerns of the Territories have been managed by their local governments. The action of the general government has been mostly confined to organize laws, laying down the principles of administration with political privileges, for-merly more restricted, but latterly much en-

"Now, here is room for an honest difference of opinion as to the extent of Congressional legislation. All agree that the initiatory measure of organization should be taken by Congress, though unanimity cannot be expected in its details. For myself, I concede the largest exemption compatible with the relations of the parties supreme and subordinate. But when you come to the appointment of officers to the powers of legislation, and to all the other questions involved in political society, you touch subjects necessarily giving rise to diversity of opinion. While all has not been granted, comparatively little has been withheld. Freedomthe rights of persons and property-are quite as well secured in the Territories as in the States, and acts of oppression as rare, and, when happening, just as sure to be redressed and pun-ished. The supervisory power exercises its authority with moderation; and these distant communities find their situation free from prac-

tical injurious restraint. "This state of things in its general principles was the very condition of the American Colonies when our fathers elaimed non-intervention from British interference, which was extending itself into all the concerns of life. They did not lose themselves in the mazes of political metaphysics. They did not deny there was a practical boundary to a principle, though they could not find a stone wall against which to break their heads. They did not claim independence at the commeneement of the controversy. They did not want it. They conceded to England the just right to establish governments, and to exercise a general supervisory authority over them; but they denied to her the authority to interfere in their internal domestic concerns, claiming the right to manage these for themselves; and as they could not get that right peaceably, they sought it by arms, and obtained it by such suffering and trials as no people ever before en-eountered and survived. They did not protest against the appointment of the governors and some other officers by the Crown, nor against the exercise of a general superintending authority by the Parliament. And now, when a century since the commencement of this contest of weakness and right against power and injustice, is fast hastening to its completion, we are gravely told by many citizens of New York, and by the acknowledged exponents of their

views here, that this claim of political exemption was all a transparent sham; and, in effect, that the patriarchs of the Revolution were ignoramuses; for, as they did not demand sovereignty, complete release from British control, they demanded nothing worth having. And, therefore, when a local political community is connected in bonds of subordination with a more general one, and is allowed as great a measure of political freedom as is compatible with this relation, if it do not aspire to and obtain complete independence, despotism is better than free local legislation. And I return my thanks to the honorable Senator from Louisiana (Mr. Benjamin) for the eloquent illustration of the true principles which we have just heard from him. listened to him, as did the Senate, with the deepest interest. I have rarely witnessed in my Congressional experience an effort marked with higher powers of oratory."-See Appendix Congressional Globe, 1st Session 33d Congress, vol. 29, p. 772.

Extract of a speech of Hon. Isaac Toucev. of Connecticut, (now Secretary of the Navy.) delivered in the Senate of the United States, March 3, 1854:—

"It was the principle of non-intervention which Congress adopted; and that principle was earried out during the first thirty years of the Government, and until the generation upon the stage when the Constitution was adopted, the men who by their votes adopted it, had passed away. I know, sir, that in these facts of the Legislative history of the country I am not mistaken; and if the honorable Seuntor from Ohio applied his proposition as to the early policy of the country to a period anterior to the formation of the Constitution, which it seems he did, I should have no occusion to say any thing upon that subject, because it has nothing to do with the policy of this Government under the Constitution. I confine myself to the policy of the Government since the adoption of the Constitution; for by that Constitution a new policy was instituted, and the Constitution never could have been adopted, it never would have been considered by half the States of the Union, if any principle of INTER-VENTION had been carried into it. I repeat, sir, that if the principle of intervention with this institution had been carried into the Constitution it never would have been adopted, and this Government never would have been established,

"Sir, this principle of non-intervention is one of the leading principles of the Constitution. It is a legitimate inference from the general arrangement of powers between the States and the federal government."—See App. Cong. Globe,

vol. 29, p. 816.

Again, in the Senate, July 2, 1856, Mr. Toucey said:—

"Mr. President, as much as has been said on this subject. I desire to say a word in explanation of my vote. The original not is as explicit as it is possible to be. The words 'subject to the constitution' make no difference. The original act recognizes, as in the territorial legislature,

all the power which they can have, subject to the constitution and subject to the organic law of the Territory. There is no ambiguity. It is as explicit as language can make it. The only doubt which arises is as to the meaning of the constitution. That we cannot define; that is a question exclusively for the judicial tribunds."—See App. Cong. Globe, vol. 38, p. 797.

Extract of a speech of the Hon. Howell Cobe, of Georgia, (now Secretary of the Treasury.) delivered before the people of West Chester, Pennsylvania, September 19, 1856, in advocacy of James Buchanan's election to the Presidency:—

"I stand upon a principle. I hold that the will of the majority of the people of Kansas should decide this question; and I say here tonight, before this people and before this country, that I, for one, shall abide the decision of the people there. I hold to the right of the people there. I hold to the right of the people to selfgovernment. I am willing for them to decide this question. If I be a member of Congress when this question comes before that body, if a majority of the people there decide in favor of slavery being a part of their institutions, I shall vote for their admission with their pro-slavery constitution; if, on the other hand, a majority of the people there decide that they do not want slavery, and present a free-State constitution, I will vote for their admission into the Union as a free State, in obedience to the voice and will of the people. (Applause.) I stand by my principles; I intend to earry them out; I care not how they operate. Principles are dearer to me than the results of any election, any contest in Kansas. I would not plant slavery upon the soil of any portion of God's earth against the will of the people. The government of the United States should not force the institution of slavery upon the people either of the Territories or of the States against the will of the people, though my voice could bring about the result. I stand upon the principle: the people of my State decide it for themselves, you for yourselves, the people of Kansas for themselves. (Applause.) That is the constitution, and I stand by the constitution."

(A gentleman here interrupted Mr. Cobb. with his consent, to inquire whether he meant that the people of the Territory, before forming their constitution, should have the power to exclude slavery, or that they should have the power to pass upon it when they form their constitution, the also desired the speaker to explain not only his view on the subject, but also the view which is advocated by those who stand with him in the Southern States and support Mr. Buchanan.)

Mr. Conn, resuming, said: "Fellow-citizens, there never has been, in all the history of this slavery matter, a more purely theoretical issue than the one involved in the question propounded to me by my friend, and I will show it to you. I will state to you the positions of the advocates of this doctrine of non-intervention, ou which there are different opinions held; but I will show ou that it is the puret destruction, in a practical

point of view, that ever was proposed for political discussion. There are those who hold that the Constitution carries all the institutions of this country into all the territories of the Union; that slavery, being one of the institutions recognized by the Constitution, goes with the Constitution into the territories of the United States; and that when the territorial government is organized, the people have no right to prohibit slavery there, until they come to form a State constitution. That is what my friend calls 'Southern doctrine.' There is another class who hold that the people of the territories, in their territorial state, and whilst acting as a territorial legislature, have a right to decide upon the question whether slavery shall exist there during their territorial state; and that has been dubbed 'squatter sovereignty.' Now, you perceive that there is but one point of difference between the advocates of the two doctrines. Each holds that the people have the right to decide the question in the territory; one holds that it can be done through the territorial legislature, and whilst it has a territorial existence; the other holds that it can be done only when they come to form a State constitution. those who hold that the territorial legislature cannot pass a law prohibiting slavery, admit that unless the territorial legislature pass laws for its protection, slavery will not go there. Therefore, practically, a majority of the people represented in the territorial legislature decides the question. Whether they decide it by prohibiting it, according to the one doctrine, or by refusing to pass laws to protect it, as contended for by the other party, is immaterial. The majority of the people, by the action of the territorial legislature, will decide the question; and all must abide the decision when made. (Great ap-

"My friend, you observe that-no matter what the issue which is presented-I stand upon a principle. There I planted myself in the commencement of this argument,-the right of the people to self-government. I intend to maintain it, to stand by it, to carry it out, to enforce it. If it operate to the exclusion of the people of my section of the country from these territories, be it so; it is the constitution of the country, and they have no right to complain. If it operate in their behalf and for their protection, I call upon you to say, is it not right that they should have the benefit of it ?"

Extracts of a speech of the Hon. John C. BRECKINRIDGE, of Kentucky, (now Vice-President of the United States,) in the House of Representatives, March 23,1854:-

"But if non-intervention by Congress be the principle that underlies the compromise of 1850, then the prohibition of 1820, being inconsistent with that principle, should be removed and perfect non-intervention thus be established by

"Among the many misrepresentations sent to the country by some of the enemies of this bill, perhaps none is more flagrant than the charge

and Kansas. Sir, if the bill contained such a feature it would not receive my vote. The right to establish involves the correlative right to prohibit, and, denying both, I would vote for neither. I go further, and express the opinion that a clause legislating slavery into those Territories could not command one Southern vote in this House. It is due to both sections of the country and to the people to expose this groundless charge. What, then, is the present condition of Nebraska and Kansas? Why, sir, there is no government, no slavery, and very little population there, (for your Federal laws exclude your citizens;) but a law remains on the statute-book forever prohibiting slavery in these Territories. It is proposed simply to take off this prohibition, but not to make an enactment in affirmance of slavery there. Now, in the absence of any law establishing slavery in that region, previous to the prohibiting act, it is too clear for dispute, that the repeal of the prohibition has not the affirmative effect of fixing slavery in that country. effect of the repeal, therefore, is neither to establish nor to exclude, but to leave the future condition of the Territories dependent wholly upon the action of the inhabitants, subject only to such limitations as the Federal Constitution may impose. But to guard fully against honest misconstruction, and even against malicious per-version, the language of the bill is perfectly explicit on this point."

"It will be observed that the rights of the people to regulate in their own way all their domestic institutions is left wholly untouched, except that whatever is done must be done in accordance with the Constitution,-the supreme law for us all. And the rights of property under the Constitution, as well as legislative action, is properly left to the decision of the Federal judiciary. This avoids a contested issue which it is hardly in the competency of Congress to decide, and refers it to the proper tribunal." *

"Then, sir, neither the purpose nor the effect of the bill is to legislate slavery into Nebraska and Kansas, but its effect is to sweep away this vestige of Congressional dictation on this subject, to allow the free citizens of this Union to enter the common territory with the Constitution and the bill alone in their hands, and to remit the decision of their rights under both to the courts of the country. Who can go before his constituents refusing to stand on the platform of the Constitution? Who can make a case to them of refusing to abide the decision of the courts of the Union?"

"Sir, I care nothing about refined distinctions or subtleties or verbal criticism. I repeat the broad and plain proposition, that if Congress may intervene on this subject, it may intervene on any other, and having thus surrendered the principle, and broken away from constitutional limitations, you are driven into the very lap of arbitrary power. By this doctrine, you may erect a despotism under the American system. The whole theory is a libel on our institutions. It carries us back to the abhorrent principles of British colonial authority, against which we made the issue of Independence. I have never that it proposes to legislate slavery into Nebraska acquiesced in this odious claim, and will not helieve that it can abide the test of public scrutiny."—See App. Cong. Globe, vol. 29, p. 441.

Mr. Breckinking, in a speech at Lexington, Kentucky, in response to the congratulations of his neighbors on his having obtained the nomination for Vice-President, on Monday, June 9, 1856, made the following remarks defining his position on the question of popular sovereignty and nonintervention:—

"Upon the distracting question of domestic slavery, their position is clear. The whole power of the Democratic organization is pledged to the following propositions: that Congress shall not intercene upon this subject in the States, in the Territories, or in the District of Columbia; that the people of each Territory shall determine the question for themselves, and be admitted into the Union upon a footing of perfect equality with the original States, without discrimination on account of the allowance or prohibition of slavery.

Extract of a speech of the Hon. James L. Orr, of South Carolina, (late Speaker of the House,) in the House of Representatives, December 11, 1856:—

"Now, I desire the gentleman to understand that the Democratic party, North or South, do not attach the importance to this issue on squatter sovereignty which he seems to attach to it by the attempts he has made to magnify it as the chief feature of the Nebraska-Kansas bill. The great object sought to be accomplished in the introduction and passage of that bill was this: the continual agitation of the slavery question upon the floors of Congress had produced discord and dissension here; it had alienated the different parties of the Confederacy from each other, and was threatening the existence of the Government itself; and hence it was thought best by a majority of the members of Congress, in 1854, to transfer, as far as possible, this agitation from the Halls of Congress to the Territories themselves. Hence, the great and leading feature in that bill was, to transfer the legislation and power of Congress on the slavery, and all other subjects, to the Territorial legislatures, and let the popular will there shape and form the laws for their own government without restriction save the proviso that such legislation should be consistent with the constitution and general laws of the United States.

"This was the great idea in the legislation of 1854, and it has been endorsed in the late

election by the people.

"Now, I admit that there is a difference of opinion amongst Democrats as to whether this feature of equatter sovereignty be in the bill on to. But the great point upon which the Democratic party at Cincinnati rested was, that the government of the Territories had been transferred from Congress, and carrying out the spirit and genius of our institutions had been given to the people of the Territories. I am one of those who do not believe in the doctrine of equatter sovereignty. I do not believe that the Kanass-Nebraska bill establishes or recognizes squatter bevereignty within the limits of the Territories

of Kansas and Nebraska: and the process of reasoning by which I reach that result is, that I see no authority in the Constitution of the United States which authorizes Congress to past the Wilmot provise or any anti-slavery restrictions in the Territories; and I do not apprehend how Congress, not having the power itself, can create an authority and invest a creature with greater power and authority than it possesses itself. I know that there are other gentlemen belonging to the Democratic party who think that the territorial legislatures are invested with the authority to prohibit or introduce slavery within the Territories.

"But the gentleman from Tennessee [Mr. Smith] the other day struck the true point in this controversy, and it takes all the wind out of the sails of my friend from Kentucky, and leaves him high and dry upon land; and I invite his attention to the statements in reference to it.

"I say, although I deny that squatter sovereignty exists in the Territories of Kansas and Nebraska by virtue of this bill, it is a matter practically of little consequence whether it does or not; and I think I shall be able to satisfy the gentleman of that. The gentleman knows that in every slaveholding community of this Union, we have local legislation and local police regulations appertaining to that institution, without which the institution would not only be valueless, but a curse to the community; without them the slaveholder could not enforce his rights when invaded by others; and if you had no local legislation for the purpose of giving protection, the institution would be of no value. I can appeal to every gentleman upon this floor who represents a slaveholding constituency to attest the truth of what I have said.

"Now, the legislative authority of a Teritory is invested with a discretion to vote for or against laws. We think they ought to pass laws in every Territory when the Territory is open to settlement and slaw-holders on there to protect slave property. But if they decline to pass such laws, what is the remedy? None, sir. If the majority of the people are opposed to the institution, and if they do not desire it engrafied upon their Territory, all they have to do is simply to decline to pass laws in the territorial legislature to prohibit it. Now, I ask the gentleman what is the practical importance to result from the agitation and discussion of this question as to whether squatter sovereignty does or does not exist? Practically, it is a matter of little moment."—See Cong. Gld-be, 2d Session 34th Congress, pp. 103, 104.

Extracts of a speech of Hon. A. H. Str-Phens, of Georgia, delivered in the House of Representatives, February 17, 1854:—

"The whole question of slavery or no slavery was to be left to the people of the Territories, whether north or south of 30° 30' or any other line. The question was to be taken out of Congress, where it had been improperly thrust from the beginning, and to be left to the people concerned in the matter to decide for themselves. This, I say, was the position originally held by the South when the Missouri restriction was at first proposed. The principle upon which that position rests,

lies at the very foundation of all our Republican institutions; it is that the citizens of every distinct and separate community or State should have the right to govern themselves in their domestic matters as they please, and that they should be free from the intermedding restrictions and arbitrary dictation on such matters from any power or Government in which they have no voice. It was out of a violation of this very principle to a great extent that the war of the Revolution sprung. The South was always on the Republican side of this question, while the North-no; or, at least, I will not say the entire North, for there have always been some of them with the South on this question; but I will say, while a majority of the North, under the free-soil lead of that section, up to the settlement of the contest in 1850-were on the

opposite side. The doctrine of the restrictionists or freesoilers, or those that hold that Congress ought to impose their arbitrary mandates upon the people of the Territories in this particular, whether the people be willing or unwilling, is the doctrine of Lord North and his adherents, in the British Parliament, towards the colonies, during his administration. He and they claimed the right to govern the territories in 'all cases whatsoever,' notwithstanding the want of representation on their part. The doctrine of the South upon this question has been, and is, the doctrine of the whigs in 1775 and 1776. It involves the principle that the citizens of every community should have a voice in their govern-This was the doctrine of the people of Boston in 1775, when the response was made throughout the colonies, 'The cause of Boston is the cause of us all.' And if there be any here now who call themselves whigs, arrayed against this great principle of republican government, I will do towards them as Burke did in England. I will appeal from 'the new to the old

"This, sir, is what is called the Compromise of 1850, so far as this territorial question is concerned. It was adopted after the policy of dividing territory between the two sections, North and South, was wholly abandoned, discarded, and spurned by the North. It was based upon the truly republican and national policy of taking this disturbing element out of Congress, and leaving the whole question of slavery in the Territories to the people there to settle it for themselves. And it is in vindication of that new principle-then established for the first time in the history of our Government-in the year 1850, the middle of the nineteenth century, that we, the friends of the Nebraska bill, whether from the North or South, now call upon this House and the country, to carry out, in good faith, and give effect to the spirit and intent of those important measures of territorial legislation."-See App. Cong. Globe, 1st Session, 23d Cong. vol. 20, p. 195.

35 C. 101. 20, p. 100.

Mr. Stephens again expressed his views on this subject in the House of Representatives on the 17th of January, 1856, as follows:—

"Now, sir, as I have stated, I voted for this

bill, leaving the whole matter to the people to settle for themselves, subject to no restriction or limitation but the Constitution. With this distinct understanding of its import and meaning, and with a determination that the existence of this power being disputed and doubted, it would be better and much more consistent with our old-time republican principles, to let the people settle it, than for Congress to do it And although my own opinion is that the people. under the limitations of the Constitution, have not the rightful power to exclude slavery, so long as they remain in a territorial condition, vet I am willing that they may determine it for themselves, and when they please. I shall never negative any law they may pass, if it is the result of a fair legislative expression of the popular will. Never! I am willing that the territorial legislature may act upon the subject when and how they may think proper."—See Appendix to the Congressional Globe, 1st Session, 34th Congress, vol. 33, p. 62.

Extract of the speech of the Hon. J. P. Benjamin, of Louisiana, delivered in the Senate, on the 25th May, 1854:—

"I find, then, that this bill, retracing the steps of Federal legislation so far as it interfered with this subject from the year 1820 to the present time, proposes to go back to the traditions of the fathers. It proposes to put this Congress in the position occupied by every Congress up to the year 1820. It proposes to announce, as a principle, to the people of the United States that the general Government is not to legislate at all upon this question of slavery. It is not to legislate to extend it; it is not to legislate to prohibit it; it is a forbidden subject. The flaming sword ought to guard all access to it. No impious foot ought to endcavor to tread within its sacred precincts. That is the principle which I find in this bill, and that is the principle which I wish to see established in the country; and when it shall have been established, it will be in vain for fanatics, either North or South, to endeavor to create any permanent excitement in the minds of the American people. The aliment is gone. You may light the flame, but the fuel may be wanting. It will die out of itself. And then, and then alone, shall we be able to bear patiently with the taunts thrown out this day by the Senator from Ohio; then alone shall we be able to hear with composure his threat that his war-cry is issued against the South, from this time forward, and that all his energies will be devoted to repealing this bill, and overthrowing the principles upon which it is based.

"Let the American people understand this subject in its true bearing; let the North once be disabused of the false impression that the South desires any advantage over it, or any unequal share of the privileges of the Government; let our friends in the Northern States cace be convinced that all we ask and desire is the simple privilege of being let alone; and can we ask less? Blest or cursed, as you please, with an institution which we find established among we have the convention of the control of the control

tution which is so firmly knit among us that it cannot be torn out without tearing up the very heart-strings of society, is it wonderful, is it unreasonable, is it not most reasonable, that we should ask gentlemen from other sections of the Confederacy simply to let us alone? We ask of you the passage of no law; we ask of you the enactment of no statute, any further than to put us back just in that position occupied by our fathers when they acted upon the principle which we now invoke. of leaving each section of the Confederacy free to establish and maintain its own internal domestic institutions, and promote its own happiness as it sees proper. Here is then a second great principle which I see in this bill, and for the establishment of which, I say, as other Senators have said upon this floor, I will sacrifice this amendment and a thousand others like it.

"But this is not all. The Senator from Georgia [Mr. Toombs] to-day spoke of a third principle. and he anticipated me in that respect. There is the great fundamental principle of American liberty contained in the provisions of the bill. It is that principle which laid the foundation of American independence. It is that principle for the establishment of which we owe so many blessings to the memory of our Revolutionary siresav. sir. to our ante-Revolutionary sires. first planted on this continent the germ which has grown up into a lofty tree, that with its spreading branches overshadows and protects the nation. They first enunciated in the face of the civilized world, in the face of the then almost omnipotent English Parliament, the principle that man had a right to self-government. They first declared that it was against the inherent rights of mankind for a government to legislate for the local interests of a distant dependency. They declared-and it is upon that your Revolution is founded-that the people of the United States, although colonial dependencies of Great Britain, were entitled to representation in the British Parliament, or to be exonerated from the duties of British subjects. All that is asked now is the extension of this same principle to the Territories of the United States. Here, then, is another third great principle, it is a great measure of conciliation between conflicting opinions in different parts of the confederacy, conflicting opinions which have found their enunciations upon this floor. The honorable Senator from Michigan, [Mr. Cass,] in a speech replete with sound argument and true Republican principles, the force of which it would be difficult to answer, has advocated in this Senate the doctrine that there is an inherent right, under the Constitution of the United States, in the people of the Territories to govern themselves. He denies the constitutional power of Congress to legislate for those Territories. The Senator from Indiana, [Mr. Pettit,] and the Senator from North Carolina. [Mr. Badger,] differ in opinion from him; but as the Senator from Georgia said this morning, both agree that it is unwise to exercise the power in contradiction to the will of the people, We find, then, even if we admit its existence. that this principle of the independence and selfgovernment of the people in the distant Territories of the Confederacy, harmonizes all these conflicting senting the sentiment of her people; and the

opinions, and enables us to banish from the halls of Congress another fertile source of discontent and excitement."-See Appendix Congressional Globe, 1st Sess. 33d Cong., vol. 29, page 767.

Extract of the speech of Hon. Howeld COBB, of Georgia, at Concord, New Hampshire, in February, 1856 :-

* * * "On the subject of slavery, as upon all other issues arising before the people, there is but one question and one answer. It is not whether slavery is right or wrong, or whether it is a blessing or a curse, or whether it shall be increased or abolished, but the only question is, What says the Constitution? And the only answer should be, I will do what the Constitution requires to be done. The man who objects to this doctrine wars upon the principle of selfgovernment and the Constitution of his country: and for such a man I have no word either of argument or appeal."

* * * "Apply this principle to the question which now so deeply agitates the public mind of this country, and threatens to disturb its peace and quiet. In the Kansas bill it was provided that this vexed question of slavery should be left where the blood of the Revolution put it; where the great principles of self-government leave it-to be decided by the people of Kansas, subject only to the Constitution of the United States. That bill declares, 'it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.' Is not this provision of the Kansas law in strict conformity to the principles which I have been advocating before you?

"Are not the people of that Territory better capable of deciding that question for themselves than either you or the people of Georgia, or any other State, for them? If they want slavery, you have no right to prevent; if they want to exclude it, the people of Georgia have no right to force it upon them. Give to them the same right which you now exercise; and when their decision is pronounced, let the people of all the States abide by that decision, just as we now abide by the decision already made by the respective States. The people who have gone or may hereafter go to Kansas to make it their homes, are just as honest and intelligent and as capable of self-government as they were before they went there. They need no advisers, or counsellors, or guardians; and had it not been for the organized intermeddling of outsiders, whose consciences were more deeply moved about other people's sins than their own, would have quietly and peaceably decided this question in their own way, conformably to their own wishes and interests, under the organic law of the Territory. When the people of Kansas shall have so decided, I am prepared to carry out their decision, whatever it may be; and shall vote for her admission whenever she applies with a sufficient population, and presents a constitution republican in its form, and fairly reprenot influence my action. Believing the principle to be right, I shall stand by it, no matter what

result it may work out.

"You have been told that the South demands the establishment of slavery in the Territories. I am here to deny the charge, and brand it as false. make no such demand. On the contrary, we protest against Congressional intervention. Our doctrine is, to leave it to those who are the most deeply interested in its decision. We stand upon the principle which I have been urging before you, and offer it as the only just and constitutional solution of an angry and exciting controversy. It has been adopted, and let us maintain it. It will give security to the Constitution and peace to the Union. It will calm the troubled waters of sectional strife, and restore harmony and good feeling to a distracted country. It commends itself to us from its own intrinsic merit. It comes to us sanctioned by the wisdom of our It is right in theory and right in prac-It has worked well in the past, and will work well in the future. It presents a common ground upon which all true men of every State and section can stand harmoniously together. It compromises no principle and sacrifices no interest. It is the doctrine of a common constitution; let it be defined by a united people.

"Principles never change. Truth is mighty, and

will prevail."

Extract of the speech of Gen. JOSEPH LANE, of Oregon, at Concord, New Hampshire, in September, 1856:-

"Now, gentlemen, there is nothing particular, nothing new, in that, for it is not the first time that Congress has passed laws organizing Territories. But that law organizing the Territories of Kansas and Nebraska placed in the hands of the Opposition a pretext for attacking Democratic principles. They raised a hue and cry throughout the country that the area of slavery was to be extended—that new slave States were to be added to the Union. Is there any thing in the Kansas-Nebraska hill to justify this hue and cry, and the consequent excitement?

"There is nothing in the law, gentlemen, but what every enlightened American heart should The idea incorporated in the Kansas-Nebraska bill is the true American principle: for the bill does not establish or prohibit slavery, but leaves the people of these Territories perfectly free to regulate their own local affairs in their own way. Is there any man who can object to that idea? Is there any American citizen who can oppose

that principle?

"Gentlemen, I desire to say to you that the principle incorporated into the Kansas-Nebraska bill is the very principle in defence of which your forefathers entered into the service of their country in the Revolutionary war; for the American colonies, two years previous to the Declaration of Independence, asserted this same principle we now find incorporated in the Kansas-Nebraska bill.

"Upon examination, you will find that the Declaration of Rights, made October 14, 1774, asserts that the people of the several colonies ' are

fact of her applying as a free or slave State shall | entitled to a free and exclusive power of legislation in their several provincial legislatures in all cases of internal polity.' This was refused by the Crown, but reasserted by our forefathers. Upon this issue the battles of the Revolution were fought; by the blood of our fathers this principle of self-government was established. This right, refused by the King, was secured, consecrated, and established by the best blood that ever flowed in the veins of man. now refuse to the people of the Territories the rights your noble sires demanded of the Crown, and won hy their blood-thus placing yourselves in opposition to the right of self-government in the Territories, thereby occupying the very position towards the Territories that George III. did to the colonies?

"The simple question involved here is, 'Are the people capable of regulating their internal affairs, or must Congress regulate those affairs for them?' It is strictly the doctrine of Congressional non-intervention. Now, if that idea is the correct one-if it is true that the American people are capable of self-government-then the principles of the Kansas-Nebraska hill are right, and opposition to that bill is wrong; consequently, dangerous to the hest interests of the

country. "I only desire to say to you further, gentlemen, that I hail from the shores of the Pacific. I come from a Territory where the people are capable of managing their own domestic affairs. I come from a Territory where they would not thank the people of New Hampshire, nor the people who are represented by my honorable friend from South Carolina, nor the people from any other State of this Union, for interfering in their local and domestic affairs. I come from a Territory that had imposed upon her, in her organic act, the Wilmot proviso. I went out under the law of Congress as the first governor of Oregon, and the only word I heard uttered against this law was, that Congress should have interfered in any of our affairs. 'Why,' it was asked, 'should Congress prohibit us from exercising our judgment in relation to slavery, or any other local question? The question of slavery is safe with the people; and it is no more restricted by the Wilmot proviso than it would be without it, for slavery is a thing that will regulate itself.

"Climate, soil, products, commerce, husiness, profit on investment-these are the things that must and will settle the question of slavery. Leave Kansas and Nebraska to look after their own affairs, and if there is a man among you who would join an Emigrant Aid Society for the purpose of interfering in the domestic concerns of Kansas, set him down as an unfortunate man -as one who does not understand the true policy of his country-as one who does not know the evil he is about to inflict upon the Constitution and the Union. If these Emigrant Aid Societies and the agitators of this question would leave the people of Kansas to settle this matter for themselves, there would be no difficulty there.

"The question of slavery is a most perplexing one, and ought not to be agitated. leave it with the State where it constitutionally exists, and the people of the Territories, to prohibit or establish, as to them may seem right | licoffer,) I have to say, that I voted for the bills

and proper."

"All that the Democracy asks in relation to this matter is, that the people of the Territory should be left perfectly free to settle the question of slavery for themselves, without the in-terference of New Hampshire, Massachusetts, or any other State."

"If every American citizen had that feeling, that love of country, that love of the Constitution, of the right of the States, and of the principle of allowing the people to regulate their own affairs in their respective localities, we should have peace and quiet among the people of all the States."

Extract of the Special Message of Presi-DENT PIERCE to Congress on Kansas Affairs,

of January 24, 1850 :-

"The act to organize the Territories of Nebraska and Kansas was a manifestation of the legislative opinion of Congress on two great points of constitutional construction: one, that the designation of the boundaries of a new Territory, and provision for its political organization and administration as a Territory, are measures which of right fall within the powers of the General Government; and the other, that the inhabitants of any such Territory, considered as an inchoate State, are entitled, in the exercise of self-government, to determine for themselves what shall be their own domestic institutions, subject only to the Constitution and the laws duly enacted by Congress under it, and to the power of the existing States to decide, according to the provisions and principles of the Constitution, at what time the Territory shall be received as a State into the Union. Such are the great political rights which are solemuly declared and affirmed by that act."-Cong. Globe, vol. 32, part 1, p. 296.

Extract of the remarks of Hon. W. A. RICHARDSON, of Illinois, the Democratic candidate for Speaker, in reply to certain questions propounded to him by Mr. Zolli-coffer, of Tennessee, on the 12th of January, 1856 :--

"Mr. RICHARDSON. Mr. Clerk, gentlemen have chosen, by written interrogatories, to inquire into the political opinions of gentlemen who have been voted for upon this floor, in relation to questions past, present, and future. I know not, and care not, whether the object is discussion here or discussion somewhere else. I hold them to the issues presented to me, and I shall endeavor to answer their questions as fully, freely, and frankly as may be possible.

141 now send to the Clerk's desk the questions which have been propounded to me, and I ask that the first of them may be read."

The Clerk read the first question, as follows:-

"Am I right in supposing that the gentleman from Illinois (Mr. Richardson) regards the Kansas-Nebraska bill as promotive of the formation of free States in the Territories of Kansas and Nebraska ?"

"Mr. Richardson. In reply to the first question of the gentleman from Tennessee, (Mr. Zolorganizing the Territories of Nebraska and Kansas because I thought them just to all, and I defended that vote before my constituents upon that ground. I intended then, and I intend now, that the people who go there, or who have gone there, shall decide the question of slavery for themselves, and, so far as I could, admit them as States, with or without slavery, as the people should decide. In common with Northern and Southern gentlemen, I have said that, in my opinion, slavery would never go there; but I have never, here or elsewhere, urged that as a reason why I voted for that bill. I voted for the bill because it was just, right, and proper, and wanted nothing more to defend myself. repeat here an argument I have made over and over again before my constituents, and it is this: if a majority of the people of Kansas or Nebraska are in favor of slavery, they will have it; if a majority are opposed to it, then they will not This is the practical result of every have it. theory advocated by the friends of the Nebraska and Kansas bill. I gave my sanction to this principle in supporting the Territorial bills of 1850, and have uniformly supported the same principles since, whenever presented for my action, and shall continue to do so in all future cases that may arise. It is a principle lying at the foundation of all popular governments, that the people of each separate or distinct community shall decide for themselves the nature and character of the institutions under which they shall live; and by this principle I am prepared to live and die. I therefore voted for the Nebraska and Kansas bill, neither as a pro-slavery nor anti-slavery measure, but as a measure of equal right and justice to the people of all sections of our common country.

[The second question related to the Wilmot proviso, and is, therefore, omitted, as of no pertinence herein. 1

The Clerk then read the third interrogatory,

"Am I right in supposing that his theory is, that the Constitution of the United States does not carry slavery to, and protect it in, the Territories of the United States? That in the territory acquired from Mexico and France, (including Kansas and Nebraska,) the Missouri restriction was necessary to make the territory free, because slavery existed there under France. at the time of the acquisition; but that the Kansas and Nebraska bill, which repeals that restriction, but neither legislates slavery into those Territories nor excludes it therefrom, in his opinion, leaves those Territories without either local or constitutional law protecting slavery; and that therefore the Kansas-Nebraska bill promotes the formation of slave States in Kansas and Nebraska ?"

"Mr. RICHARDSON. The Constitution does not, in my opinion, carry the institutions of any of the States into the Territories; but it affords the same protection there to the institutions of one State as to another. The citizen of Virginia is as much entitled, in the common territory, to the protection of his property, under the Constitution, as the citizen of Illinois; but both are dependent upon the legislation of the Territorial government for laws to protect their property, of whatever kind it may be. Thus, it will be seen, that though there may be upon this point a difference theoretically-involving questions for judicial decision-yet there is none, practically, among the friends of non-intervention by Congress, as the practical result is to place the decision of the questions in the hands of those who are most deeply interested in its solution, namely, the people of the Territory, who have made it their home, and whose interests are most deeply involved in the character of the institutions under which they are to live."-Cong. Globe, vol. 32, part 1, p. 222.

The vote for Speaker next after Mr. Richardson answered to the questions of Mr. Zollicoffer, which was the 108th, resulted in his receiving the full Democratic vote-69 votes, of which fifty-three were from the South, and sixteen from the North. Those from the South are in italies. The 108th vote for Mr. Richardson was

as follows :-

"For Mr. Richardson .- Messrs. Aiken, Allen, Barclay, Barksdale, Bell, Hendley S. Bennett, Bocock, Bowie, Boyce, Branch, Burnett, Cadwallader, Caruthers, Caskie, Clingman, Howell Cobb, W. R. W. Cobb, Craige, Davidson, Denver, Dowdell, Edmundson, Elliott, English, Faulkner, Florence, Thomas J. D. Fuller, Goode, Green-wood, Augustus Hall, Sampson W. Harris, Thomas L. Harris, Herbert, Hickman, Houston, Jewett, Geo. W. Jones, Keitt, Kelly, Kidwell, Letcher, Lumpkin, S. S. Marshall, Maxwell, Mc-Mullin, McQueen, Smith Miller, Millson, Mor-decai, Oliver, Orr, Peck, Phelps, Powell, Quitman, Ruffin, Rust, Sandidge, Savage, Samuel A. Smith, Wm. Smith, Stephens, Stewart, Talbott, Vail, Warner, Watkins, Winslow, Daniel B. Wright, and John V. Wright."-Cong. Globe, vol. 32, part 1, page 228.

Extract of the speech of Hon. James M. Mason, of Virginia, in the Senate of the United States, May 25, 1854:-

"Then, Mr. President, where do we stand? Here is a bill repealing and forever annulling a measure always odious to the South, and offensive to its honor, voluntarily brought forward from a quarter where the majority resides; and is the South to reject it because it contains, also, an incidental policy on a different principle, which we do not approve? For one, sir, with a clear, unhesitating judgment, I auswer, no!

"Mr. President, I am not going to discuss this question of squatter sovereignty, on which my honorable friend from Michigan (Mr. Cass) appears to be so very sensitive. I do not recognize the inhabitants of a Territory as a political community at all. The very act of Congress which provides a government for the Territory is a negation of the right of the inhabitants to do at for themselves. They are mere occupants of the public domain, nothing else. And it has been only because Congress deemed it expedient to give them a right of legislation, reserving to itself a power of revision, that the Territories have any political existence whatever. But when then maintained; but occupying the floor by the

Congress delegate the power to them, it is a mere delegation, and how Congress measures it out is a matter of expediency, not of principle. And from the experience which the Southern States have had of the tendencies of Congress heretofore on the subject of slavery, I do not know that we may not quite as safely trust the people, come from where they may, as the Congress of the United States, with that institution.

"I sav, then, Mr. President, to sum up, this bill is objectionable in some of its features, it is true. It is objectionable in that feature of it, for one, which does not deny the people the right to legislate on the subject of slavery. It is also objectionable in that clause of it which provides that foreigners-those not naturalized-shall participate in the political power of the Terri-These, however, are questions of expedi-done. There is no principle, far less any ency alone. constitutional law, involved in them; and if we can get the other and higher principle established on your statute-book, that henceforth power is denied to the Congress of the United States to legislate for the exclusion of slavery, by yielding the question of expediency, I do not think we shall be rebuked for a bad bargain."—See vol. 29 App. Cong. Globe, page 774.

And again, on the 11th December, 1856, Mr. Mason said :-

"I wish to make an explanation in which I have more interest than anybody else, in reference to some remarks on this very topic which were interpolated into the debate at the time when the Senator from Maine (Mr. Fessenden) occupied the floor, and which seem to have been the subject of misrepresentation. These remarks were in reference to the much disputed question of squatter sovereignty. It has been supposed, not only in the Senate, but elsewhere, that I mean to admit a power in territorial legislation, to prohibit slavery in a Territory. The remarks which I made may have been, for all that I know, correctly reported in the Globe. I did not revise them. Here they are :-

"The territorial government was so organized there as to admit citizens of all the States, whether free or slave, to take their property into the Territories; and when they organized themselves, or were organized under the law, into a legislative body, then to determine for themselves whether this institution should exist amongst them or not. The specific difference is, that under the Kansas law, citizens from the slaveholding States might go into the Territory with their property; citizens from the free States might go there, holding no such property, and when they got there and met in common council as a legislative body, they should determine whether the institution should prevail; whereas, the party which the honorable Senator is now representing here declares that in the organic law creating the government in the Territory there shall be a prohibition in limine that no slaves shall go there.'

"These remarks had reference to the subjectmatter of a previous debate, and to positions I courtesy of the Senator entitled to it, I was necessarily brief, and may have left my meaning obscure.

"The previous debate had reference to the issues raised by the Kansas-Nebraska bill, and what I intended to say, and in a more elaborate form, would have said, was this, that those with whom I act have uniformly denied any power whatever in Congress to legislate on the subject of slavery in the Territories. The Kansas bill was intended to delegate to the occupants of the Territories whatever power Congress possessed over all subjects of rightful legislation; but of course it could delegate no more; and when we denied that Congress possessed any power to legislate on the subject of slavery, we of course denied that the Territorial Legislature could have it, because Congress could not delegate what it does not possess. I did not amplify to show what the Kansas bill shows on its face, that, in order to make the meaning more specific, the power to legislate on any subject was, by the terms of the bill, referred to the Constitution; and express power was given, by an appeal to the Supreme Court, to determine whether the Legislature could, or could not, rightfully legislate on the subject of slavery. I could not occupy the time which belonged to the Senator from Maine, to elaborate the idea; but I referred to the Kansas bill to determine what power was conceded, and of course, when we determined as our judgment that the Constitution gave to Congress no power to legislate on the subject of slavery, it followed that the bill could not delegate such power to a Territorial Legislature; but as, on the other side, it was claimed that Congress did possess the power, the bill immediately referred the question to the Constitution and the Judiciary, where we had been always willing to send it. I desired to say this only, that I might not be, as I have been, misinterpreted. I am indebted to the courtesy of the Senator from New Hampshire in yielding me the floor for this purpose."—See Congressional Globe, 3d Sess. 33d Cong., page 92.

Extract of a speech of Hon. James A. Bayard, of Delaware, in the Senate of the United States, May 25, 1854:—

"The honorable Senator from Louisiana (Mr. Benjamin) stated three principles as embedied in the bill. In the first place it repeals an ideal arbitrary line which tended to create and foster sectional differences in the country. I admit that it does that. But is that a principle, or is it merely a repeal of an act of Congress which may be again enacted, and which, whether repealed or permitted to remain, will have no practical effect on the future political condition of the country to which it applies, whether as States or Territories? The second, that is the great principle of the bill, is the renunciation by Congress of all authority to legislate in regard to the institution of slavery, either for its establishment or its probibition, beyond the two articles contained in the Constitution, which delegate two express powers in relation to slavery, one to prohibit the slave-trade, and the second to provide for the reclamation of fugitive slaves

who may escape into other States where slavery is not recognized by law.

"I agree with the honorable Senator from Louisiana as to the importance of this principle; it seems to include within it the necessity for the repeal of the Missouri Compromise line. The honorable Senator from Virginia (Mr. Mason) assumes substantially the same position, placing the importance of the bill on the single ground that it establishes the principle of non-intervention by Congress with the institution of slavery in the Territorics, as well as the States of this Union. Mr. President, I consider that an important principle; and if I supposed the effect of this bill would be to remove from the halls of Congress all agitation in regard to the question of slavery hereafter; if I supposed that it would bury forever hereafter this whole question of abolition, I would sacrifice almost any of the other opinions which I entertain in order to vote for the bill."-See App. Cong. Globe, vol. 29, p.

Extract of a speech of the Hon. John Pettir, of Indiana, (lately appointed Chief Justice of Kansas,) in the Senate of the United States, February 20, 1854:—

"There is one provision in this bill, however, which, in order that the bill may harmonize with provisions already adopted upon that subject, it would seem to me ought to be stricken out. It will be recollected that the people are expressly authorized to legislate upon all subjects whatsoever, slavery included. They may either establish or abolish it at their pleasure and at their will if the Constitution of the United States allows it. Such is my understanding of it, and such is my desire that it should be. But, to make the question plainer and clearer, and to rid it of all difficulties, I will suggest, if I do not move, the striking out of the following provision in the sixth section:—

"That all laws passed by the Assembly, and approved by the Governor, shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of none effect."

"My desire is to authorize the people of the Territory to legislate upon all legitimate subjects of legislation without let or hindrance by this government."—See App. Cong. Globe, 1st session 33d Congress, vol. 29, p. 212.

[The provision referred to by Mr. Pettit in reference to the laws being disapproved by Congress was subsequently stricken out.]

Extract of a speech of the Hon. A. P. BUTLER, of South Carolina, delivered in the United States Senate, March 2, 1854:—

"Now, I believe that under the provisions of this bill, and of the Utah and New Mexico bills, there will be a perfect carte blanche given to the Territorial Legislature to legislate as they may think proper. I am willing, as I said before, to trust the discretion and honesty and good fait of the people on whom we devolve this power; but I can never consent that they can take it of themselves, or that it belongs to them without delegating it; for I think they are our deputies, —limited, controllable deputies, not squatter

sovereigns. I am willing to say that the people of the Territories of Nebraska and Kansas shall be deputed by Congress to pass such laws as may be within their constitutional competency to pass, and nothing more. Is not that an ionorable, fair, liberal trust to an intelligent people? I am willing to trust them. I have been willing to trust them in Utah and New Mexico, where the Mexican law prevailed, and I am willing to trust them in Nebraska and Kansas, where the Freuch law, according to the idea of the gentleman, may possibly be revived."—See App. Cong. Globe, 1st session 33d Congress, vol. 29, p. 292.

Extract of a speech of the Hon. R. M. T. Hunter, of Virginia, delivered in the United States Senate, February 24, 1854:—

"The bill provides that the Legislatures of these Territories shall have power to legislate over all rightful subjects of legislation consistently with the Constitution. And if they should assume powers which are thought to be inconsistent with the Constitution, the courts will decide that question wherever it may be raised. There is a difference of opinion among the friends of this measure as to the extent of the limits which the Constitution imposes upon the Territorial Legislatures. This bill proposes to leave these differences to the decision of the courts. To that tribunal I am willing to leave this decision, as it was once before proposed to be left by the celebrated compromise of the Senater from Delaware, (Mr. Clayton)-a measure which, according to my understanding, was the best compromise which was offered upon this subject of slavery. I say, then, that I am willing to leave this point, upon which the friends of the bill are at difference, to the decision of the courts."-See App. Cong. Globe, 1st session 33d Congress, vol. 29, p. 224.

Extract of a speech of the Hon. ROBERT TOOMBS, of Georgia, in the Senate of the United States, February 28, 1856:—

... We who passed this Kansas bill, both at the North and the South, intend to maintain its principles; we do not intend to be driven from them by clamer, nor by assaults, nor by falsehoods, nor by any other invention of its faithless and impotent assailants. These principles we ex-pound for ourselves. We intend that the actual bona fide settlers of Kansas shall be protected in the full exercise of all the rights of freemen; that, unawed and uncontrolled, they shall freely and of their own will legislate for themselves to every extent allowed by the Constitution while they have a Territorial government, and when they shall be in a condition to come into the Union, and may desire it, that they shall come into the Union, with whatever republican constitution they may prefer and adopt for themselves; that in the exercise of these rights they shall be pretected against insurrection from within and invasion from without. The rights are accorded to them without any reference to the result, and will be maintained, in my opinion, by the South and the North. I stood upon this ground in the passage of the bill. I shall maintain it with fidelity and honor to the last extremity." * * *

"Against all these conflicting efforts and opinions, the friends of the Constitution, justice, and equality have hitherto held, and will contime to hold, the scales of justice even and unshaken. We still tell all the owners of this public domain to enter and enjoy it, both in the North and the South, with property of every sort, exercise the full powers of American freemen, legislate for yourselves to any and every extent, and upon any and every subject allowed by our common Constitution. The Federal Government will protect you against all who attempt to disturb you in the exercise of these invaluable rights; and when you have become powerful and strong enough to bear the burdens, and desire it, we will admit you into the family of sovereigns without reference to your opinions and your action upon African slavery. Decide that question for yourselves, and we will sustain your decision, because it is your right to make it. This is the policy of the Kansas bill; it wrongs uo man-no section of our common country .-See Appendix Cong. Globe, 1st Session 34th Congress, vol. 33, p. 116.

In alluding to the same subject in the Senate, on the 9th of July, 1856, Mr. Toombs again said:—

"I thought it was the duty of the Governmen't to protect slave property in the Territories until they should come into the Union as States, and then let them do as they pleased. There was not a large party to sustain this doctrine; but I believed it was right then, and believe so But a large portion of the South and a great number of the North, true National men, said, 'Let us leave the people of the Territories to pass on this and all other domestic relations as far as the Constitution will allow.' agreed to it. Congress adopted it and incorporated it into the bills of 1850. The Senator from Maine says it is not there. I offer him this evidence: three-fourths of the Senate, and those who supported those measures, say it is there. He has opposed both, but he undertakes to construe our meaning for us. I do not consider him a good expounder of others' creeds."-See Appendix Cong. Globe, 1st Sess. 84th Cong., vol. 88,

Extracts of the speech of Hon. S. A. Smith, of Tennessee, delivered in the House of Representatives, June 25, 1856:—

"The controlling minds in that hour (1850) which tried the strength of the band which binds us, (Cass, Clay, and Webster,) found no solution of the problem which they were compelled to solve, but in the great indudmental principle which relieved our fathers from like difficulties in the formation and adoption of the Constitution itself.

"For twenty years this question had agitated Congress and the country without a single beneficial result. They resolved that it should be transferred from these halls, that all unconstitutional restrictions should be removed, and that the people should determine for themselves the character of their local and domestic justitutions under which they were to live, with precisely the

same rights, but no greater than those which were enjoyed by the old thirteen States.

"Excitement was intense and clamor loud, but the sober judgment of the people ratified the constitutional action of their representatives.

"In 1854 the same question was presented when the necessity arose for the organization of the Territories of Kansas and Nebraska, and the identical principle was applied for its solution. I, for one, as a Southern man, did not accept it with reference to any result which it might probably produce. I accepted it because it was constitutional, just, and safe, and because I believed it to be the only principle which could secure the legitimate rights of all sections of the Union. It had not merely the convictions of my own judgment to sustain it, but it had the sanction of the patriotism and wisdom of the Revolutionary fathers. If this great principle of popular sovereignty be justly carried out and sacredly maintained, it will give in time to come what we have enjoyed in the past-union, strength, prosperity, and happiness. If it be struck down by passion, fanaticism, or sectional prejudice, in either section of the Confederacy, I will not permit myself to contemplate the woes that await us."

"I say here, as a Southern man, and I believe the sentiment will be sanctioned by nearly every Southern man on this floor, that if a bill were introduced in Congress to establish slavery in Kansas or any other Territory of the United States, I should unhesitatingly vote against it. And this I would do notwithstanding I honestly believe African slavery to be a moral, a social, and a political blessing, applicable alike to the master and to the slave. Why, then, cannot the North meet us upon this common ground, and declare that they would not prohibit slavery by congressional enactment in any of the Territo-ries of the United States? This would leave the people to be affected by the institution to determine the question for themselves in their own way, 'subject only to the Constitution of the United States." - See Cong. Globe, 1st Session 34th Congress, part 2, page 1471.

Extract of a speech of Hon. A. C. Dodge, of Iowa, in the United States Senate, February 25, 1854:—

"With this digression upon points wholly unlooked for in the discussion, and being a sincere believer in the doctrine of 'squatter sovereignty' in its fullest, broadest, deepest sense, I propose now, in my humble way, to offer some arguments in support of the bill for the organization of Nebraska and Kansa—it being in its present shape, or as its friends propose to make it, the unblest tribute which has ever yet been offered by the Congress of the United States to the revereiguty of the people."

"The addresses, resolutions, and petitions of the fathers of the Revolution, both in matter and spirit, touching the extent of the power of the Tarliament of England to legislate for the colonies, are thoroughly imbude with the principles for which the advocates of non-intervention are to-day contending. The Continental Congress of 1774 declared that—

"'The English colonists are entitled to a free and exclusive power of legislation in their several provincial Legislatures, where their rights of representation can alone be preserved in all cases of taxation and internal polity."

"The same principle seems to have governed the wise and patriotic men who framed our Constitution after the independence of the Republic

was secured."

"And, sir, honesty, and consistency with our course in 1850, demand that those of us who supported the compromise measures should reachously support this bill, because it is a return to the sound principle of leaving to the people of the Territories the right of determining for themselves their domestic institutions."—Appendix Cong. Globe, 1st Sess. 33d Cong., vol. 29, pages 876, 877, 879.

Extract of a speech of the Hon. Thomas F. Bowie, of Maryland, in the House of Representatives, January 29, 1856:—

"If this be so-and I scarcely think it can admit of a doubt-it follows clearly that the rules and regulations which Congress is empowered to make respecting the territory or other property belonging to the United States, relate exclusively themselves to such rules and regulations only as may be needful for Congress to make in reference to the disposition, preservation, and management of such territory as the common property of all the States, and not to a class of powers entirely political in their nature, which have for their end only the establishment of forms of government for the protection and enjoyment of civil and religious freedom. This latter class of powers, sir. it seems to me, will more appropriately be found among those which were reserved by the people, and which the framers of the Constitution never intended should be surrendered to the Federal Government by any portion of the people of this country, whether living in the States or after-acquired Terri-The great struggle between the British crown, under the administration of Lord North, and the United Colonies, as to the right of the colonies to govern themselves in all cases whatever, had been finally closed by the establishment of that great fundamental political truth, that man is capable of self-government; and had the framers of our Constitution inserted in that instrument any provision inconsistent with that great truth, to be afterwards applied or enforced against the people of any of the States or afteracquired territories of the Union, they would, in my judgment, sir, have falsified every principle which induced the colonies to take up arms in defence of their own rights to separate and independent sovereignty. But, sir, I have not time to pursue these reflections further in the present condition of the House. I will take the opportunity of doing so at some other time."-See Appendix Cong. Globe, 1st Session 34th Congress, vol. 33, p. 56.

Extract of a speech of the Hon. George W. Jones, of Tennessee, delivered in the House of Representatives, December 28, 1855:—

"Then, sir, you may call it by what name vou please-non-intervention, squatter sovereignty, or popular sovereignty. It is, sir, the power of the people to govern themselves, and they, and they alone, should exercise it, in my opinion, as well while in a territorial condition as in the position of a State. I would ask those who deny this doctrine, whether they are of my party or of any other party-whether they are from the North or from the South-to reconcile another provision of that act with the doctrine that neither this Government nor the people of the Territory have any power over this isolated question while in a territorial condition. to the Kansas and Nebraska act and you will there find prescribed the qualifications of voters. How long to continue, sir? Until the first election only. And the qualifications of voters and of holding office at all subsequent elections, shall be prescribed by the Legislative Assembly. Which is the higher prerogative of sovereignty, to prescribe the rights of property or to pre-scribe the qualification of voters? I hold that the highest prerogative of sovereignty is to prescribe the qualifications of voters-to draw the line between the citizen, the coequal constituent of sovereignty in a country, and the subject, vassal, or serf.

"I believe that the great principle—the right in the States, to form and regulate their own domestic institutions in their own way—is clearly and unequivocally embodied in the Kansas-Nebraska act; and if it is not, it should have been. Believing that it was the living, vital principle of the act, I voted for it. These are my views, homestly entertained, and will be defended."—Cong. Globa, List Session 34th Con-

gress, part 1, p. 98.

Extract of a speech of the Hon. John M. Elliott, of Kentucky, delivered in the House of Representatives, August 4, 1856:—

"In 1854, the Democratic party, in order to carry out the spirit of the compromise of 1850, declared that the line in prohibition of slavery north of 36 degrees 30 minutes, known as the Missouri compromise line, was inoperative and void; and in forming territorial governments for Kansas and Nebraska, they inserted a provision leaving the question of slavery, as well as all other domestic questions, to be settled by the people of said Territories, just as had been done in the formation of the Territories of Utah and New Mexico, by the compromise measures of 1859."—See Appendix Cong. Globe, 1st Session 34th Congress, vol. 32.

Extract of a speech of Hon. John S. Caskie, of Virginia, delivered in the House of Representatives, May 19, 1854;—

"Now comes the question, is there any sufficient reason in the difference between myself and some of the friends of the Nebraska-Kansas bill in regard to the opinions I have just expressed, for division between us in reference to it, a herilation on their part or mine in its support? I answer at once, there is none. The bill gives the inhabitants of Kansas and Nebraska all the rights which they possess under the Constitution, and none other, and leaves the decision of what those rights are to the courts. That is the agreement as to Territorial power, plain as a pike-staff on the face of the bill, and fair and honorable as it is plain. What says the bill?

it it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own war, subject only to the Constitution of the

United States.'

"I have heard objections to the strength of the word form' in this connection. But it will be word form' in this connection. But it will be word that the clause in which it is used embraces the power of the people of Nebraska and Kansas over the institution of slavery not only while they are in the Territorial germ, but when they reach the state of development—a period at which their jurisdiction becomes exclusive and complete. The Constitution is made the measure of their power in both stages of their advancement. The language used in its definition is brief, plain, and apt, while the rule by which it is gauged is unerring.

"In other sections (sections six and twentyfour) the bill limits the legislative power of these Territories to 'all rightful subjects of legislation consistent with the Constitution of the United

States and the provisions of this act.'

"Now, is it not clear that Territorial sovereignty can be in the bill only if it is in the Constitution? if not in the Constitution, it is not in the bill. We make the judiciary the umpires of our difference on this point. This is a ground. and the only ground, on which just men united against the Missouri restriction, but divided as to an incidental question connected with it, can meet and stand together. If territorial sovereignty be in the Constitution, I hope I am patriot enough to yield my opposition to it. If it be not, I am sure my friends who differ from me about it are patriots enough to yield their advocacy of it. And so we go hand in hand to break down that disunion, 'middle wall of partition' which now separates sections, and to reestablish that broad brotherhood under which our independence was achieved, and on which our government is based. Can I object to the arbitrament to which the bill submits the question of Territorial authority to exclude slavery? Never while I retain the confidence I now have in the position I now hold; never until I can believe that the illustrious Carolinian-my political morning star-was no herald of the day; and that the whole host of Southern men were dolts, when in 1848 they proposed, upon far less inducements, to submit equally grave issues to the same tribunal."-See Appendix Cong. Globe, vol. 29, p. 1144.

Extract of a speech of the Hon. A. G. Brown, of Mississippi, delivered in the United States Senate, July 2, 1856:—

"I learn now for the first time that the people

of a Territory have not the competence to regulate their own domestic and police matters in their own way, but that it belongs to Congress; that it is only in the higher branches that they have the right to regulate their own affairs in their own way. Am I to understand by this that the people of a Territory have the right, if they choose, to exclude or abolish slavery; and that if I believe, as a Southern man, such an abolition to be unconstitutional, I must go to the courts for the maintenance of my rights; and yet, if other measures of less importance, mere matters of police regulation, are adopted, they may come to Congress and beseech legislation to put it all right? If the major proposition includes the minor, as I suppose it does, and the people of the Territory have the right to legislate on these great questions for themselves, independent of the action of Congress, I apprehend they have an equal right to legislate for themselves on the smaller questions. I should like my esteemed friend from Connecticut to tell me where the line

is; to what particular question it is applicable. "Under the general phraseology of the Kansas bill, he admits the people of the Territory to have the exclusive right to legislate. I supposed, when we passed the bill, that we intended by it to give them a right to legislate on all subjects touching their domestic policy; and that if anybody was dissatisfied he should go to the courts, and not come to Congress for his remedy. has been my understanding, and I have endeavored to live up to it. My friend from Michigan and myself differ very widely as to what are the powers of a Territorial Legislature; he believing that they can exercise sovereign rights, and I believing no such thing; he contending that they have a right to exclude slavery, and I not admitting the proposition, but both of us concurring in the opinion that it is a question to be decided by the courts, and not by Congress. If we are agreed on that, let us agree on this other proposition. If I had been the party aggrieved by the laws of Kansas, I knew the place to which I was pointed to seek my remedy. If others are aggrieved, let them go to the same place."-Appendix to Cong. Globe, 34th Congress, 1st sess., p. 801.

Extracts of the speech of the Hon. Thomas L. CLINGMAN, at present Senator of the United States from North Carolina, in the House of Representatives, April 4, 1854:—

"This, in my judgment, is the best species of non-intervention. We say that the people of the Territory may legislate as the Constitution of the United States permits them to do, without the intervention of Congressional law, French law, Spanish law, Mexican law, or Indian law. It makes the Territory like a sheet of blank paper, on which our citizens may write American constitutional law."

"It has been well said that there is a great resemblance between this issue and that involved an the struggle between the colonies and Great Britain at the Declaration of Independence. There is, however, one great striking difference between the two cases. The colonies in 1776

denied the right of Great Britain to tax them to the smallest extent; but the people of Kansas and Nebraska say to Congress, You may impose any amount of taxation upon us, and we will cheerfully pay it; you may make your own disposition of the public lands, lay off your military roads and post roads, and establish your forts and arsenals; you may subject us to the action of every law of Congress that the citizens of any State in this Union are subject to; but when you have done all that, when you have exhausted all your powers under the Constitution of the United States, then we ask the poor privilege of managing our local affairs according to our own wishes. And why should they not have it? Why should Massachusetts or North Carolina control the people of those Territories? Sir, the question stands upon the great republican right of every community to legislate for itself."-Appendix Cong. Globe, 1st Sess. 33d Cong., vol. 28, p. 488.

Extract of the speech of Hon. Z. Kidwell, of Virginia, in the House of Representatives, August 11, 1856:—

"The people of Kansas and Nebraska are allowed, by the organic act, to pass such laws as they please, subject only to the Constitution of the United States. If a majority of the people of either of the Territories named are opposed to establishing slavery, and they pass an act prohibiting the introduction of additional slaves, many Southern statesmen believe such an act would be unconstitutional, while many Northern statesmen think it would not be. Which is right and which is wrong, the Supreme Court, under the Kansas-Nebraska act, would decide. law does not take sides with either North or South, but leaves the question open for the decision of the Court, to which it rightfully belongs." -Appendix Cong. Globe, 1st Session 34th Congress, volume 38, page 1267.

Extract of a speech of the Hon. CHARLES J. FAULENER, of Virginia, delivered in the House of Representatives, April 10, 1854:—

"But, sir, it may be that slavery will seek its expansion in Kansas and Nebraska; and if so, who, here, has the right to complain? It will be their own act—the act of the people of these Territories, and they surely are competent to determine for themselves, whether their social and political condition will be most advanced by its toleration or exclusion. They will not be without the most ample experience to guide them to a proper conclusion; and it is rank arregance and folly for this Government to seek to control them upon a point upon which their own interests and instincts can far more safely instruct them, than they can be by the gratuitous advice of these who will never partake of the good or evil of their institutions.

"Sir, much oblogy has been cast upon the distinguished Senator from Illinois, for his agency in bringing forward this great measure. For one, I take this occasion to say that I honor him for it; and when the passion and the excitement of the hour have passed away, the country will do justice to the purity of his motives and

to the wisdom and sagacity of his act. Distinguished as he has been throughout his whole public career for enlarged, liberal, and comprehensive views, this act places him upon the highest pedestal of national statesmanship. principles of this bill belong neither to the North nor to the South, but to the whole country. They are promulgated with no views to advance the interests of any one section, but to promote the peace and tranquillity of all. They embody the vital principle of the Constitution; they reflect the recorded wisdom of the sages of the Revolution. They are the principles of justice, of equality, of free government, of popular sovereignty, of perpetual union, every departure from which has filled the country with commotion, and left behind it the scars of fraternal strife."-Appendix Cong. Globe, 1st Sess. 33d Cong., vol. 23, p. 488.

Extract of a speech of the Hon. John H. Lumpkin, of Georgia, delivered in the House of Representatives, August 2, 1856:—

"It became necessary, in 1854, to provide a government for the Territories west of Missouri; and the Democratic party of the Senate and House of Representatives, faithful to their pledges and to the Constitution of the United States, did, in framing governments for Kansas and Nebraska, incorporate the same principles, even to the very letter, of the language employed in the bill organizing territorial governments for Utah and New Mexico, and thus manifested their willingness to perpetuate the principles of non-intervention by any Congressional legislation on the purely domestic institution of negro flavery."

—See Appendix Cong. Globe, 1st Sess. 34th Cong., vol. 33, p. 1128.

Extract of a speech of the Hon. Albert G. Talbott, of Kentucky, delivered in the House of Representatives, July 28, 1856:—

"Well, sir, the slavery agitation ceased, the country was quieted, the measures of 1850 were approved by everybody and by every section; the more the principle of non-intervention was investigated, the more popular and acceptable it seemed to be. Every one who looked at it and investigated it saw at once that it was only carrying out the great principle upon which our government is based-man's right and capability of self-government. They saw at once that it was only extending to the Territories precisely the same privileges which are now, and have been since the Government was first organized, enjoyed by every State in the Union. And in 1852 the Whig party and the Democratic party both met in national convention, and endorsed the principles of non-intervention, which had been so adopted in lieu of the Missouri restriction, in spirit and in substance."

"Now, sir, I say that in view of all these facts, Congress could not have done otherwise than pass the Kansas-Nebraska bill, just as it is. It is just, constitutional, and right; it neither legislates slavery into nor excludes it from the Ter-

ritories, but leaves the people thereof perfect, free to organize their own governments, and regulate their own domestic institutions for themselves. If, Mr. Chairman, the people are capable of self-government, who, in our country, will say they ought not to do it? If they have the right, who will say they shall not do it? If, then, they have both the capacity and the right, in reason's name, in the name of justice and our glorious Constitution, let them do it."—See Appendix Cong. Globe, 1st Sess. 34th Cong., vol. 33, p. 1240.

Extract of a speech of the Hon. Moses Norms, Jr., of New Hampshire in the Senate of the United States, March 3, 1854:—

"Now, sir, I understand the spirit and true intent of this clause of the bill to be, that the legislation of 1850, organizing the Territories of Utah and New Mexico, was grounded on the principle of the non-intervention of Congress with the institution of slavery or any other domestic institution in the Territories of the United States, and the States to be formed out of them, leaving the people free to form their own institutions for themselves; and that the principle of legislation thus agreed upon and established, as to Utah and New Mexico, ought to be final, not only as to these Territories, but as to all Territories organized after that time." * *

"Now, I shall endeavor to maintain that the doctrine of non-interference on the part of the Federal Government with the institutions of the organized Territories was then established, leaving to the people of the Territories the rights of a free and popular government, with full power under the Constitution to form their own domestic institutions as they may deem best suited to their condition. I shall endeavor to establish that. I shall endeavor to establish another fact: that this measure of non-intervention was carried by the almost united vote of the North against the great mass of Southern Senators in this chamber, as establishing a principle on which the North could stand, and not as a mere expedient, temporary and limited in its operation, but as enduring. I will, by-and-by, appeal to the record in vindication of what I now say."-Appendix Cong. Globe, 1st Sess. 33d Cong., vol. 29, p. 305.

Extract of a speech of Hon. John B. Welber, of California, in the United States Senate, February 13, 1854:—

"But, sir, if this be a question between slavery and freedom, then the friends of this measure hold the freedom side of the question. We propose that the people, the original source of all power, those who spoke this government into existence, and whose agents we are, shall be allowed to decide for themselves what local institutions shall exist among them. On the other hand, the opponents of the measure advocate slavery. They contend that the American people shall not exercise this right; that their minds shall be enslaved; that their hands shall be tied up, and they prevented from a free

decision whether slavery shall exist there or not. We occupy the broad ground of freedom. We have an abiding confidence in the honesty and in the intelligence of the people. We are not afraid to trust them with the decision of this question. How stands it with you? I had supposed that you were the agents and representatives of the people; but it seems that the servant has become wiser than the master. You, who are invested with political power, are claiming now that you are better judges of what sort of government the people should have than the people themselves. Is this so? Is there that vast amount of intelligence and of patriotism in the American Congress which makes us far better judges of what the people should have than the people themselves? Our whole system is based upon the principle that man is capable of self-government. The moment you violate this principle, that moment you transcend your authority and destroy the vital elements of the republie.

"We propose that this, like all other questions, shall be left to the free decision of the people."—Appendiz Cong. Globe, 1st Sess. 23d Cong., vol. 29, page 200.

Extract of the speech of the Hon. WM. H. ENGLISH, of Indiana, delivered in the Pouse of Representatives, May 9, 1854:—

"Mr. Chairman, I do not choose, on this occasion, to express any opinion as to the power of Congress to legislate for the Territories, because the impropriety of exercising such power is so clear, to my mind, as to make the consideration of the constitutional question entirely un-

"I am willing, as I said upon a previous occasion, to trust the people with the power of regulating their domestic institutions in their own way, not only under State government, but through their regularly-constituted Territorial Legislature. I hold that if the people are of sufficient numbers and importance to mcrit a Territorial government at all, they are capable of governing themselves. A man who has exercised the attributes of a free citizen in Indiana, or any other State, loses none of his powers of self-government by emigrating to a Territory. Is he less virtuous, less intelligent, less imbued with the spirit of patriotism and love of country because he resides in a Territory and not in a State? Is he less an object of government regard because he has gone into the wilderness to endure the hardships of frontier life in preparing a way for that tide of population, civilization, and empire which still flows to the West? Sir, such men can be trusted. I would refer the question of slavery, and all other questions, to them-to that best and safest of all tribunalsthe people to be governed. They are the best judges of the soil, and climate, and wants of the country they inhabit, and they are the true judges of what will best suit their own condition and promote their welfare and happiness.

"And, sir, I am surprised, that in this republic, in the year 1854, any party should be found to deny the privilege to such organized State and Territory of the Union of regulating their domestic institutions in their own way, subject to the Constitution, and, more particularly, that such anti-republican doctrines should be advanced by any one claiming to be a member of the Democratic party."—Append. Cong. Globe, 1st Sess. 38d Cong., vol. 29, page 608.

Extract of a speech of Hon. Moses Macdonald, of Maine, delivered in the House of Representatives, April 10, 1854:—

"Pass this bill, give to the people of the Territories the right to determine for themselves the question whether they will tolerate slavery or not, and the question becomes local. No longer will there be inducements, and most certainly no propriety indiscussing the question at the North or in non-slaveholding communities.

"The bill commends itself especially to my own mind, because it contains the principle that the people of the Territories shall regulate their own domestic affairs. This right was the great feature of the Territorial bills of 1850, and is 'the lion in the path of agitation.' The doctrine that all just powers are derived from the consent of the governed, addresses itself to the dignity of man, and teaches him the lesson that his rights are not the grant of an earthly government, but 'the free gift of the King of kings.' Sir, the sovereignty of the people, their right to rule in political affairs, was first proclaimed in the ears of the Old World by our own Declaration of Independence. The tenacity with which our forefathers elung to this doctrine is written in the blood and carnage, the suffering and selfdenial, of the American Revolution. As the basis of permanent government, this principle was first recognized in the American Constitution. 'We, the people, do ordain and establish government,' are words of power which caused the kings of the earth to fear and tremble like Belshazzar of old, when the finger of a man's hand wrote over against the candlestick upon the plaster of the wall these words of fearful import, 'mene, mene, tekel, upharsin.' Our great growth as a nation, and our great prosperity as individuals, under the benign influence of the Constitution, are the legitimate fruit of the great truth that man is capable of self-government. This principle, sir, runs through the whole structure of our governmental organization. It is the central sun of our system, around which revolve all other lights."

"Sir, the whole head and front of the offending of the Nebraska bill hath this extent—no more: that it allows the people of the Territory to regulate their own affairs."—See Appendix Cong. Globe, 1st Sess. 33d Cong., vol. 29, p. 514.

Extract of a speech of Hon. John R. Thompson, of New Jersey, in the Senate of the United States, February 28, 1854:—

"The principle of this bill is the principle of self-government, a principle which alone prompted the Declaration of Independence-

Bir, it was the seminal principle of the Constitution and the government. It lies at the foundation of all our political institutions. It is the inalienable birthright of every American freeman. The recognition of this principle has been universal in our country, with the single exception of the anomaly of dictating to the people of the Territories (in some instances) their organic laws, instead of leaving them, like the rest of the people, to the exercise of their own volition. At this moment the country resounds with clamor from a political party, whose policy it is to keep alive agitation, because it is proposed that Congress should abjure the exercise of irresponsible power, and leave the people of the Territories established by this bill to the enjoyment of their rights of self-government."-Append. Cong. Globe, 1st Sess. 33d Cong., vol. 29. p. 255.

Extract of a speech of Hon. RICHARD BRODHEAD, of Pennsylvania, in the United States Senate, February 28, 1854:—

"But, sir, is not the bill correct in principle, and will it not work as well in practice as any other which can be adopted? Does it not give the people of the Territories the right to regulate their own domestic affairs in any way they please, not in violation of the Constitution of the United States? We are not asked to give protection to property in slaves, or say that the local Legislature shall not pass laws upon the subject of slavery. We do not say whether the slaveholder can or cannot hold a slave there by virtue of the Constitution; that is left an open question to be decided by the Supreme Court of the United States. And who can object to that? But, sir, if we put a provision in the bill that up to the time of the formation of a State Constitution the owners of slaves should lawfully hold them there, it would be of no service to them, because there would be no local police; so that the mere refusal of the Territorial Legislature to provide for the manner in which they shall be held and sold and treated, and penalties for harboring them, &c., would effectually exclude them."—Appendix Congressional Globe, 1st session 33d Congress, vol. 29, p. 249.

Extracts of a speech of Hon. WILLIAM BIGLER, of Pennsylvania, in the United States Senate, July 1, 1856:—

"In 1850, when the peace of the country seemed to be in imminent danger, the experienced men of this body, such as Mr. Clay and Mr. Webster, and the venerable Senator in front of me, Mr. Cass, and others, conceived and presented a new mode of adjustment. That was simply to take this question out of Congress and confide it to the people of the Territory—to submit it to their judgment and their will. For one, I thought the principle an admirable one. It seemed to me that it ought to give entire satisfaction to the country, and that it would have a salutary influence upon our national relations—a principle so perfectly in unison with our whole republican system of government, a mer recognition and extension to the Territories of their vital principle of self-government—a principle of self-government—a principle of

eiple snited to all times, all oceasions, and an territories, and as imperishable as our mountains-no temporary remedy, no arbitrary rule. no perishable expedient, but simply this: that as the people of a State can at all times settle this question of domestic policy for themselves, Congress will enforce that the people of a Territory shall have the same opportunity-that that power which is to be complete and exclusive when the people become a State should operate during the territorial existence. Not only because it was perfectly right in principle, but because I believed it would be wise in practice, I preferred it to any which had previously been practised in the Government, or any other idea presented at the time antagonistic to it."-Appendix Congressional Globe, 1st session, 84th Congress, vol. 33, pages 729, 730.

Again, on the 9th of July, 1856, in the Senate, when Kansas affairs were under discussion, Mr. Bigler said:—

"I want to put myself right on another point. I mean the question of the measure of power which the territorial legislature can exercise over the subject of slavery. On this point no man can misunderstand the import of the language of the Kansas bill; it is explicit to the effect that the people shall be left perfectly free to decide the question according to their own plea-sure; but it is a question of what degree of lawmaking power it is competent for Congress to confer upon the people and legislature of a ter-It is a question of construing the ritory. constitution, and therefore a judicial question, which I am not called upon to decide. I have no views to conecal; I agree with the Senator from Michigan, that the territorial legislature has entire control over the subject-is competent to establish, abolish, or protect it. 1 can see but two sources of law-making power for the Territory: the one is Congress, the other is the people who inhabit the Territory; and it scems to me, that when Congress has conferred upon the people all the power it possessed, as in the ease of Kansas, the people, through their local legislature, have an ample law-making power, equal to the control of the slavery or any other question."-See App. Cong. Globe, vol. 33, p. 843.

Extract of a speech of the Hon. LAWRENCE O'B. Branch, of North Carolina, in the House of Representatives, July 24, 1856:—

"But it is said the bill allows the people resident there to prohibit the introduction of slavery before their admission into the Union. It contains no such feature. The thirty-second section declares its intent to be 'to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." If the Constitution allows them to prohibit slavery, then the bill permits it; if the Constitution allows them to prohibit slavery, then the bill does not allow them to prohibit slavery, then the bill does not permit it. The power of the people during the existence of their territorial government is a judicial question, to be settled by the courts, if a case should ever arise

involving the question; and whatever Congress might have said in the bill, it could not have altered the Constitution, nor taken the question out of the hands of the Courts. Whatever may be the decision of the Courts, I will be content; for I regard the great main feature of the bill as infinitely transcending in importance any of the minor questions that can be raised under it, and I would rather trust the question to the people of the Territory than to such a Congress as we new have, and are liable to have at any time in the future."-App. Cong. Globe, 1st session 34th Congress, vol. 83, pp. 1021, 1022.

Extract from the speech of Hon. HARRY Hibbard, of New Hampshire, in the House of Representatives, May 8, 1854:-

"As such the country understood and accepted it. It, sir, is the great and distinguished feature of the pending bill. It is embodied there in the following words :-

"'It being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the

United States.'

"This, sir, is plain and explicit. It enumerates the broad doctrine of non-interference on the part of the Federal Government with the institution of slavery, and the control and regulation thereof by the States and Territories concerned. It is a principle which, to be understood, needs but to be stated, and to be approved needs but to be understood. It addresses itself to all our notions of expediency and right. It appeals to our strongest sympathies, is strengthened by our traditions, and sanctioned by all our experience as individuals and as a people. It is peculiarly congenial to the American mind, and dear to the American heart. Attachment to it the most unyielding has in all ages been a distinguishing characteristic of the race from which we sprung. Upon it the framework and the details of our system of government, State and national, are based. For it the battles of the Revolution were fought. It was not for the money sought to be extorted by the stamp-net, and the duties on tea and sugar, that our forefathers embarked in that perilous struggle. It was, sir, because a vital principle was involved -their right of self-government was at stakethere was to be taxation without representation -they were to be made subjects of an uncontrolled central power. For this they took up arms; with God's blessing they triumphed. The principle they established has been sacredly cherished, and will be faithfully maintained. is the ground on which all our local and muni-It insists first upon cipal institutions rest. national independence and separate sovereignty. It would leave to the central Government no power the State can properly exercise-to the State, no function which may as well be performed by the county-to the county, nothing that can as well be done by the town. It delegates to no human hands any power or preroga-Eve which the individual citizen may with safety | nize and adopt the principles contained in the

to others retain to himself. Its results are popular sovercignty, State rights, and individual free-Wherever understood and applied, it has been in all lands and ages the surest safeguard of civil liberty,-the strongest barrier against the eneroachments of arbitrary power. principle, sir, lies at the foundation of this bill. As a supporter of the Compromises of 1850, 1 voted for it then, -- I stand upon it now."-App. Cong. Globe, 1st session 33d Cong., vol. 29, p. 624

Extract of the report of the Senate Committee on Territories, (Mr. Douglas,

chairman,) March 12, 1856 :-

"Your Committee have not considered it any part of their duty to examine and review each enactment and provision of the large volume of laws adopted by the Legislature of Kansas, upon almost every rightful subject of legislation, and affecting nearly every relation and interest in life, with a view either of their approval or disapproval by Congress; for the reason that they are local laws, confined in their operation to the internal concerns of the Territory, the control and management of which by the principles of the Federal Constitution, as well as by the very terms of the Kansas-Nebraska act, are confided to the people of the Territory to be determined by themselves, through their representatives, in their local Legislature, and their assent to the laws upon which their rights and liberties may all depend. Under these laws marriages have taken place; children have been born; deaths have occurred; estates have been distributed; contracts have been made; and rights have accrued which it is not competent for Congress to divest. If there can be a doubt in respect to the validity of these laws, growing out of the alleged irregularity of the election of the members of the Legislature, or the lawfulness of the place where its sessions were held, which it is competent for any tribunal to inquire into with a view to its decision at this day, and after the series of events which have ensued, it must be a judicial question over which Congress can have no control, and which can be determined only by the courts of justice, under the protection and sanction of the Constitution."-Senate Report, No. 84, from the Committee on Territories, 1st session 84th Congress.

Extract of the National Democratic Platform adopted at Cincinnati, June, 1856:-

"And that we may more distinctly meet the issue on which a sectional party subsisting exclusively on slavery agitation now relies to test the fidelity of the people, North and South, to the Constitution and the Union:

"1. Resolved, That, claiming fellowship with and desiring the co-operation of all who regard the preservation of the Union under the Constitution as the paramount issue,—and repudiating all sectional parties and platforms concerning domestic slavery which seek to embroil the States and incite to treason an armed resistance to law in the Territories, and whose avowed purposes if consummated must end in civil war and disunion,-the American Democracy recogorganic laws establishing the Territories of Kanasa and Nebraska, as embodying the only sound and safe solution of the 'slavery question' upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union,—non-interference by Congress with slavery in State and Territory, or in the District of Columbia.

"2. That this was the basis of the compromises of 1850, confirmed by both the Democratic and Whig parties in National Conventions,—ratified by the people in the election of 1852,—and rightly applied to the organization of Terri-

tories in 1854.

"3. That by the uniform application of this Democratic principle to the organization of Territories and to the admission of new States, with or without domestic slavery, as they may cleet, the equal rights of all will be preserved intact, the original compacts of the Constitution maintained inviolate, and the perpetuity and expansion of this Union insured to its utmost capacity of combracing in peace and harmony any future American State that may be constituted or anexed with a republican form of government."

[This platform was adopted unanimously by the convention, the vote being taken by States, and each delegation casting their united vote in its favor.]

Extracts of the letter of acceptance of Mr. Buchanan of the nomination of the Cincinnati Democratic Convention, June 16 1856:—

"In accepting the nomination, I need scarcely say that I accept, in the same spirit, the resolutions constituting the platform of principles erected by the Convention. To this platform I intend to confine myself throughout the canvass, believing that I have no right, as a candidate of the Democratic party, by answering interrogatories, to present new and different issues before

the people."

"The agitation on the question of domestic slavery has too long distracted and divided the people of this Union, and alienated their affections from each other. This agitation has assumed many forms since its commencement, but it now seems to be directed chiefly to the Territories; and, judging from its present character, I think we may safely anticipate that it is rapidly approaching a 'finality.' The recent legislation of Congress respecting domestic slavery, derived, as it has been, from the original and pure fountain of legitimate political power, the will of the majority, promises, ere long, to allay the dangerous excitement. This legislation is founded upon principles as ancient as free government itself, and in accordance with them has simply declared that the people of a Territory, like those of a State, shall decide for themselves whether slavery shall or shall not exist within their limits.

"The Nebraska-Kansas act does no more than give the force of law to this elementary principle of self-government, declaring it to be the 'true intent and meaning of this act not to legislate

slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States. 'This principle will surely not be controverted by any individual of any party, professing devotion to popular government. Besides, how vain and illusory would any other principle prove in practice in regard to THE TERRITORIES! This is apparent from the fact admitted by all, that after a Territory shall have entered the Union, and become a State, no constitutional power would then exist which could prevent it from either abolishing or establishing slavery, as the case may be, according to its sovereign will and pleasure.'

Extract of the remarks of Hon. THOMAS L. CLINGMAN, of North Carolina, in the Senate, February 23, 1859, in the debate which occurred as to the "true intent and meaning" of the Kansas-Nebraska act:—

"I never heard of gentlemen, either in this House or the other, expressing the opinion that Congress was to interfere in any contingency with the Territories. I may be mistaken; but while I remember many opinions explaining it, as they understood it, I do not remember any one opinion adverse to this. Gentlemen differed as to how much power was to be given under the act, [Kansas-Nebraska.] Gentlemen of the North said-some of them, at least-that, under that act, they thought the territorial legislature might prohibit slavery; other gentlemen said they thought they could not prohibit it; but all agreed that the power Congress had was to be turned over upon the Territory, and they were to legislate on the subject, under the constitution and the construction of the courts upon their acts. Now a contingency is presented which was not foreseen. It is said, if a bill is introduced I shall be willing to examine it; but I do submit to gentlemen, ought we to go into a discussion of this abstraction of non-intervention, and what it means, upon an issue that is not raised in any way by the proposition of the Senator from New Hampshire?

"I did not, when I got up, intend to say a word about it, but having been an actor in those scenes, having read and heard many speeches on the subject, I think it proper to these gentlemen of the North to say, that so far as I know, I never heard it denied but that Congress was going to abandon to the Territories the power of legislation upon the subject of slavery and all questions connected with it. We of the South contended that we had the right to legislate, and ought to protect; but we came to the conclusion, that on the whole we would rather trust the Territory than Congress. Congress we knew was against us; whenever the subject was up, a majority was voting for the proviso, (Wilmot.) And we thought further, that if a majority of the Territories were against us, any legislation here would be futile. While, by sending an army to Boston, you could bring away a runaway negro against the wishes of the people, you could not expect to enforce a system on a Territory hostile to it. I think we acted wisely in turning it over to the Territory. say this, however, not wishing to pursue the subject."-Cong. Globe, 2d session, 85th Congress, p. 1264.

Remarks of Hon. James S. Green, of Missouri. (now a Senator of the United States,) in the House of Representatives, on his amendment to the bill to "establish a Territorial Government for Upper California," February 27, 1849:

"N.C. Oreon moved to assent the 12th section by righing on in the second line the centre and the all unerring tans."
"He said his object in propesing this annealment was simply as the right of the people of that Peritory in their proper light time that House and before the country. It was asserted to the property of the people of the Peritories with a STATE of each parties, that the people of the Peritories wings STATED to the rights, printipges, and tunnanties of American classes. He had in the People of the Technical STATE of the Conference of the conference of the people of the Technical STATE of the Conference of Confe

the rights, printinges, and timmunities of American citarans. Its proposed, threshops, to strike out the words 'shall be,' because proposed, threshops, to strike out the words 'shall be,' because representation of the proposed threshops and the strike they encounted the strike they encounted the strike the

they had the laherent rights of self-government, the rights of Maretian citions, if them nor partrents to conject from rights American citions, if them nor partrents to conject most report send understand their legislation, and all set that they recognised the indexer right of the people to govern themselves according to the conject of the lines to the second of the lines to the conject to the right be the action of the lines techny, whatever might be the action of Compress for years to come, these principles near taking the conject of the lines Wherever an Almerican citizen was found, his Rights of SEL GOTERNIENT would be acknowledged. He offered this amend-ment, not for the purpose of producing oxidement, not to six up feeling, but because he believed it uses in PRIPERT CONSO-NANCE, with the rights of self-government, to which we all sub-serble. "Long." Globe and App., vol. 20, p. 607.

Extract of the speech of Hon. WILLIAM T. Hamilton, of Maryland, in the House of Representatives, on the Kansas-Nebraska bill. May

19, 1854:

"This part of the section with respect to the legislative power is subject to two interpretations, or constructions, and only two: First, either that the people there have the full right and power to determine, control, and regulate all their domestic instin-tions whilst they are in a Territorial condition, or secondly, that tions whilst they are in a Territorial condition, or secondly, that it is a secondly that they are in a Territorial condition, or secondly that selection is the second to first times be taken. I will take either, and austin the but. But it must be taken. I will take either, and austin the but. But it must be taken. I will take either, and austin the but. But it must be taken. I will take either, and austin the but. But it must be taken and downweed as "suntater soversignty—a term, by-the-by-l, will be not clearly understand or our apprehendly but aimli II—doing to not clearly understand or our apprehendly but aimli II—doing the second of pat it to Republicans everywhere all over the Union, whether they prefer the Missouri line, the Missouri exclusion, 'the Wil-mot proviso,' to this power of the people to decide for themselves.

"Mr. Chairman, you now have the Missouri line; you hav the Missouri prohibition; you have the modern 'Wilmot pro the attainant production; you have the modern. Willinob pro-viso. And you are by your action on this bill, to support and cheriah it, or you are to repeal, annut, destroy it. Which will you do? For myself I can speak. I profer the right and the proser of the proofie, under the Constitution of my country. I profer to trus to those wile, leaving their homes here, go to our fra distant Portiones, the wild and ragged wilderness, to form for thomselves their own little communities, to plant the foundathouselves their own little communities, to plant the foundation of future and great States, and to purpose, for I TERF-tions of future and great States, and to purpose, for I TERF-tion of the great states of the great states of the states of the House, and in accordance with my sympathies; locause the cou-self party st—because there is no overruing necessity why it will party st—because there is no overruing necessity why it and the states of 20, pp. 821, 822.

Extract of the speech of Hon. JUDAH P. BEN-JAMIN, of Louisiana, in the Senate, May 25, 1854, on the Kansas-Nebraska bill, in reply to certain remarks of Senator Wade, of Ohio:

"May I not say that he [Mr. WADE] has looked at the bill with a jaundiesed eye? Who can find upon its face that an empire is open to the invasion of slavery? Sir, it does not provide expressly for the admission of slavery. He cannot pretend that

SLAYES ARE TO BE CARRIED THERE under the beheat of this essentiant. The bill merely declares that that Territory is to be open and free, that every citizen may go there; and when it goes there, THAT HIS TOLOW MAY BE HEAD in establishing their statutumes that are to opers him. That, it; is whole scope of the bill."—Append. Cong. Globe, vol. 29, pp. 76, 763.

Extract of speech of Hon. Joseph Holt, of Kentucky, now Postmaster General of the United States, at Frederick, Maryland, in 1856:

"The right of the people to govern themselves is a principle
"The right of the people to govern themselves is a principle
state of the people to govern themselves in a principle
silks in their origin and in revery node of their action. It is
not right and in theorem the them, and is in no sees and dericative
one. In those countries where men are serfs, and are stateable
one. In those countries where men are serfs, and are stateable
that soil carries with it political power over its insibilations. In
our land, however, directly the opposite system prevails; men
being the principle, and the soil the incident, in these resides the rity to regulate, by legislation, their domestic affairs.

"From analogy, then, the same accessity which is at once the origin and the limit of its the Ewderal Government] power reference to the State, should be a likewise in regard to the the Constitution: The power and delegated to the United States by the Constitution, on probhibited by it to the States, are reserved to the States respectively, or to the people! The term propriet here employed has clearly reforence to the disabletant and the constitution of the Const 'pospile' here emploved has clearly reforence is the inhabitant of the Turbinova, and it that recognizing their political capacity, of the Turbinova, and it that recognizing their political capacity, against Federal aggression which the States themselves enjoy. The power that to require their political concerns it due recognized to the state of the control of the ingulfed by a body ignorant of its wants and wishes, and in which the people of the Territory have no voice. This would be anti-republican, to the last degree impolitic, and a useless and wanton violation of all the analogies of our popular form of government.

"Congress has never sought to give civil or criminal codes to "Only the Revenue and the Revenue and the Review of the Revenue of the Revenue of the Revenue of the Revenue of the Review of the Review of the Revenue of the Revenu IT FROM THE OTHER SUBJECTS OF LOCAL LEGISLATION TO WHICH I RAVE REFERRED.

Extract of the Address of the Democratic NATIONAL EXECUTIVE COMMITTEE, of which Hon. CHAS. J. FAULKNER, of Virginia. was Chairman, to the Democracy of the United States, in 1856:

"Finally, in 1850, after a period of great agitation throughout the country, the leading patriots and wise men of both parties, such as Clay, Webster, Case, and others, decided upon leaving this question where it always ought to have been left, and where the true spirit of our institutions places HI-IN THE HANDS AND UNDER THE CONTROL OF THE FEORE THE STRENT CHEST THEMESTATES, restrained only by the Con-

The whole nation rejoiced in this wise adjustme parties claimed it as a finality as to this principle of Territorial organization. For once the question of slavery in the Territor-ries was settled upon the principles of our Revolutionary father. who demanded a voice and a vote in regulating their own insti-tutions; the same great fundamental principles of human government which underlie and uphold our whole ropublican system— principles suited to nll Territories and to all times, and as broad and enduring as etonal truth. This form of adjustment was de-nominated NON-INTERVENTION BY CONGRESS-SELF-GOVERNMENT BY THE PEOPLE OF THE TERRITO-RIES.

APPENDIX.

HENRY CLAY FOR POPULAR SOVEREIGNTY AND SELF-GOVERNMENT BY THE PEOPLE IN THE TERRITORIES.

Extract of Speech of Hon. HENRY CLAY, of Kentucky, in the Senate, June, 1850, on the Compromise Measures, in reply to Mr. JEFFERSON Davis, of Mississippi :

"Mr. CLAY." * * * * "The clause itself was introduced into the bill by the committee for the purpose of tying up the hands of the Territorial Legislature in respect to legislating at hands of the Territorial Legislature in respect to legislating at all, one way or the other, upon the subject of African slavery. It was intended to leave the legislation and the law of the respective Territories in the condition in which the act will find them. I stated on a former occasion that I did not, in committee vote for the amendment to insert the clause, though it was grevered to the condition of the posed to be introduced by a majority of the committee. I st-tashed very little consequence to it at the time, and I attach to the consequence of the consequence of the consequence portane shakes. Now, sir, if I understant the measure pro-posed, bythis Senator from Mississipp, it aims at the same thing, I to so it understand him as preposing that if any one shall carry the standard of the consequence of the consequence of the con-traction of the consequence of the consequence of the con-traction of the consequence of the consequence of the con-traction of the consequence of the consequence of the con-traction of the consequence of the consequence of the con-traction of the consequence of the consequence of the con-traction of the consequence of the consequence of the con-traction of the consequence of the consequence of the con-traction of the consequence of the consequence of the con-traction of the consequence of the consequence of the con-traction of the consequence of the consequence of the con-traction of the consequence of the consequence of the con-traction of the consequence of the consequence of the con-traction of the consequence of the consequence of the con-traction of the con-traction of the consequence of the con-traction of t

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of, I shall repeak again the unquested of options which I am

on, I shall repeak again. part 1, p. 1003.

Extract of Speech of Hon. HENRY CLAY, of Kentucky, in the Senate, July 22, 1850, on the Compromise bill:

"The provisions of the bill are that the people are left free of "The provisions of the bill are that the people are left free or seet rid! my approbation, and with which I would have been better satisfied and it been left out; and that is the provision which does not permit the Government of the Pertitors to satisfied the seed of the provision p. 1410.

Again; on the 30th of July, 1850, speaking on the motion of Mr. Norris, of New Hampshire, to strike out that provision of the bill which "did not meet his approbation," Mr. CLAY said:

"The clause is an interdiction imposed by Congress npon the local Legislature either to introduce or to exclude slavery. Now, sir, it seems to me that Congress has No such rower according to the Southern doctrine. That doctrine is one of clear and clean NON-INTERVENTION. The amendment in the bill, on the con NON-INTERESTRY.

NON-INTERESTRY.

Annual the power to exist in Courses, which is denied Far if Congress possesses the power to exist in Courses, which is denied Far if Congress possesses the power to impose this Interesticine, only difference is, that the action of Congress is the one case is direct, and that the action of Congress is the other case is sufficient. It appears to me, therefore, that apon INIC CERT FILINGER.

If appears to me, therefore, that apon INIC CERT FILINGER IN CONTROL OF THE NOTICE AND ADMINISTRY.

If appears the power is the control of the contro cise of this power by Congress to interdict the local Legislature."— Append. Cong. Globe, vol. 22, part 2, p. 1865.

Mr. CLAY subsequently voted for the motion of Mr. Nonnis, to strike out from the Compromise bill the provision by which the Legislature of the Territory, of New Mexico was interdicted from passing any law "establishing or prohibiting African slavery," and thus left the Legislature free either to establish or prohibit it. - See App. Cong.

Globe, vol. 22, part 2, p. 1473.

NO NEW PLANE IN THE DEMOCRATIC PLATFORM.

Extract of the speech of Hon. ROBERT TOOMES, delivered in Georgia, in September, 1859,-no NEW PLANK IN THE DEMOCRATIC PLATFORM :

From the day of the adoption of the present Constitution to "From the day of the adoption of the present Constitution to this hour, the Federal Government have claimed and exercised the right to govern the Territories according to their own will and pleasure, subject only to the Constitution of the United States. It has steadily claimed and exercised tile powers to con-States. It as steadily claimed and exercised the power to con-tred their logisation in all cases whateover, while the question are position of Senator Donglas a single leg to stand upon. Yet I do not belong to those who denoance him, the organization of the Democratic parry leaves this an open question, he is, a full liberty to take either side he may choose, and y he moistatus his ancient ground of neither making nor accepting new tests of political soundness, I shall still consider him a political friend positions sourcasses, I shall still committee him a political friend, and well accept him as the representative of the party publishers it was tender him; and in the meantime, if he should even nauder after accept gods. I do not hesitate to tell you that, with his errors, I prefer him and would support him to-morrow against any Opposition man in America

any Opposition man is America.

"I have but a simple point remaining to present to you on this occasion. We are teld finite we must got a new plant in the Descente polyteries, and demand the editionance of the data of Congress to practed classes in the Twentieries, whenever such Twentieries, and the tell of the twentieries of Twentieries, which is the such that they are Nova, I reptly, I do not think to wise to do the thing proposed help the proposed to. While I have altered asserted fall-and completes rower in Congress to do this thing, I thunk, and carefully excreted; that it congit not to be excreted until the occasion for it is interestive. There has been no occasion decared to the control of the tell of the control of the tell of th new tests of partie feaths to Northern, Democratic, these wite re-main of them they billarder stood with fielding and hours upon their engagements. They have maintained, the trush to their rarely engalised, hever could feel, in the worlds, thintony, and it shall endusive, it similars, and storm,—stall your superiodic of Feen wells, without the Linds of the start by your superiodic to their grant feel with the start of the start o

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A

DISCOURSE

PREACHED IN

THE PLYMOUTH CONGREGATIONAL CHURCH

OF CHICAGO,

SABBATH AFTERNOON, JUNE 1, 1856,

BY THE PASTOR,

REV. J. E. ROY.

PUBLISHED BY VOTE OF THE CHURCH

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KANSAS;

HER STRUGGLE AND HER DEFENSE.

"And the king of the South shall be moved with choler, and shall come forth and fight with his, even with the king of the North; and at the time of the exd shall the king of the South push at him, and the king of the North shall come against him like a whirlwind, with chariots, and with horsemen, and with many ships, and he shall enter into the countries and shall overflow and pass over."—Dan xi, 11, 40.

In this chapter the prophet foretells with great accuracy the mighty conquests of Alexander, the division of his realm, at his death, not in his family, but among his four generals, and then the final subsidence of these four empires into two great rivals. These two kingdoms were Egypt and Syria, with their dependencies. Egypt was ruled by the line of kings called the "Ptolemies," and Syria by the "Selencidæ," the sons of Selencus. Egypt, from its location, was called the South, and Syria the North. In this chapter the prophet further describes the continual contests going on between the South kingdom and the North kingdom, through several generations of kings. Our text represents the South as offensive and aggressive, and the North at first forbearing, at last roused up, and then overwhelmingly victorious in defense and protection.

You already understand my theme to be "The Strug-GLE BETWEEN FREEDOM AND SLAVERY, BETWEEN THE SOUTH AND THE NORTH."

Such a struggle exists; it began long since, and has only been increasing in strength and desperation up to the present time. Though some have denied the fact, and others, knowing it, have endeavored to ignore it, yet now it has become the most evident fact in our national history. At the present time no issue elicits so much thought, and talk, and planning as this. No issue among the American people concentrates so much of energy and determination as this. It is the question which now sways the American mind to one side or the other.

Political parties are just now expending all their skill and power to bring the entire mass of the voters in the country into rank and file upon one side or the other of this line. The press, both religious and secular, either by its warm advocacy or by its neutral favorings, is for freedom or for slavery, and just in proportion to its earnestness and its distinctive character is it considered up with the spirit of the times. In the commercial world, cotton is versus independence, and the cotton king rules with an iron scepter. In the church, this is the great question that agitates Conference, and Assembly, and Association. During the last two weeks this bone of contention has been picked by the three largest ecclesiastical bodies in the United States. All our benevolent publishing and missionary institutions are rocking upon this restless volcano. And now, at last, the evidence has come that must convince the most skeptical of the existence of this struggle, and that must quickly determine the position of even the most conservative. We are reminded of the old injunction, "the king's business demands haste."

Whether we muster under the king of the South or the king of the North must now be speedily decided. The recent outrages in Kansas and in the United States Senate are only the *text* taken for this occasion, out of a long chapter upon this very subject, from the book of our national history.

Then, to understand the text well, though it is so evidently self-interpreting, we must study the context. If we would get the full force and expression of the passage, we must view it in its relation to the whole subject; we must consider its author, its spirit and its times. It will not bethe effort of this discourse to excite horror and indignation in your minds at the commission of such outrageous crimes. That were a work of supererogation. I doubt not your cheeks already tingle with shame and your righteous indignation burns in your breasts. This humble effort would rather seek to help us to a clearer understanding of the struggle now going on, and to decide in a calm and deliberate manner our solemn responsibilities in the same. No man is fit to engage in this contest until he has stanched his anger and concentrated his energy. physical, mental and moral, upon the mighty issue.

Taking, then, these occurrences as our text, let us go back to the beginning of the chapter and trace the thread of connection up to the present crisis.

It is no weary journey through tomes of history and tradition, back to our Freedom's birth-day. Our fathers, or our fathers' fathers, rocked the cradle of the infant Independence, and they have told the story to us. How that her mother, like the woman in the Apocalypse, was driven from her native home into the wilderness, "where she had a place prepared of God," to bring forth her child—how that, in the midst of deprivation, and persecution,

and sorrow, her birth-pangs were long and heart-rending. They have told us of their joy over their first-born, such as none but those who have felt it can know. They have told us of the toil, and hardship, and execration which was heaped upon them by their cruel step-father, and how he tried to kill them, just because they would call the child their own.

But now, would God that I could take a garment upon my shoulders, and go backward, and cover the disgrace of that day. Our fathers were ashamed of it; they would have hidden the fact forever, if they could. A foundling was left at their door—the offering of Despotism was imposed upon them, to be adopted along with the child of Freedom. They were of entirely different natures; there was no likeness between them; they were antagonistic, and, like the sons of the patriarch, they were first found one having his hand upon the heel of the other, and how true has been the prediction in both cases, "the one shall be stronger than the other, and the elder shall serve the younger."

Our fathers knew not what to do; they had not courage to kill the thing, though they tried their best to do so, while some demanded that he should live. And so they made the first compromise; they would not kill him right out, but they refused to christen him, and so his name does not appear in the Constitution; and they also refused to make any provision for his support or protection, but they even resolved to put him on such a regimen that they supposed he would absolutely die out in about twenty years; they cut off the foreign supply and really thought that would be the best and surest way to get rid of the creature.

Such was the origin of Freedom and of Slavery, and

such were the feelings in regard to them. Slavery existed here, not by any agreement of the men of the Revolution, but in spite of and against their protest. The system was not indigenous to the American soil: it was an exotic; it belonged to monarchism. No one need think that the Puritans came through what they did to forge fetters for human limbs. They had a sublimer mission; it was, to found here what the world had never seen-a church without a pope and a State without a king. Even in the Southern States there was then more or less of opposition to the system. In Prince George's County, Virginia, June, 1774, a general meeting resolved "that the African slave trade is injurious to the colony, because it obstructs the population of it by freemen, prevents manufacturers and other useful people from settling, and occasions an annual increase in the balance of trade against the colony." Because it obstructs the population of it by freemen! How wonderfully has that been verified to this day. At a similar meeting in Fairfax County, Virginia, about that time, George Washington in the chair, it was "resolved that it is the opinion of this meeting, that during our present difficulties and distress, no slaves ought to be imported into any of the British colonies; and in this connection, we take this opportunity of declaring our most earnest wish to see an entire stop put to such a wicked, cruel and unnatural trade." They had no idea of putting it under the perpetual safeguard of the Union. Similar views were declared by the State of Georgia, in 1775, condemning the whole system of slavery. An address was sent to the king, remonstrating against the traffic in slaves, and signed by the representatives of each of the colonies; and among these names was that of the immortal Washington.

Mr. Madison, who is sometimes called the Father of the Constitution, when an attempt was made to introduce slavery into the Constitution, said: "It must not be so, because we intend this Constitution to be the great charter of human liberty to the unborn millions who shall enjoy its protection, and who should never see that such an institution as slavery was ever known in our midst." And it was not done. Those men never dreamed of perpetuating slavery, much less of giving it a home in the Constitution. They knew that slavery was a lie; they meant that it should cease. Upon the very bell which called those old men together in Independence Hall, at Philadelphia, and which still hangs there, I have read these words, inscribed: "Proclaim liberty throughout all the land, to all the inhabitants thereof." Such was the prevailing spirit of those times, which was reaffirmed in 1789, when Congress unanimously ordained that slavery or involuntary servitude should be forever excluded from all the territory they then had, viz: all that north-west of the Ohio river. It was that wise ordinance that has secured the blessing of liberty, and prosperity, and greatness to the States of Ohio, Indiana, Illinois, Michigan and Wisconsin.

Meantime, the value of the productions of slave labor, sugar and cotton, was very much enhanced, and this became a stimulus to those who already held slaves to hold on to them. Besides, a rivalry for political ascendancy began to appear, such that there was now a desire to add new States to each of the respective classes, the slave-holding and non-slave-holding States. And then the prohibition of the slave trade did not work so effectually as they expected in diminishing slavery, for it continued to grow. Now the antagonism manifest itself.

Louisiana, already having slavery under its old French organization, is demanded as a slave State, and was so received. Then came up the question of receiving the Territory of Missouri as a State: Shall it be free or slave? The House and the free States said free, and the Senate and the slave States said slave. Freedom and Slavery grappled, the former claiming the spirit of the fathers and the Constitution, and the precedent of the North-West Territory, the latter claiming its equal right and furiously demanding it. Here Freedom crippled and Slavery gained a victory. Before, the whole was consecrated to liberty; now, only half, and half disconsecrated to Slavery. Maine was received a non-slave-holding and Missouri a slaveholding State, and provision was made for the future upon the same scale—all below 36° 30' for Slavery, and all above for Freedom.

Now Slavery takes courage and gloats upon the idea of supremacy in the government. It was once sectional, and expected itself to die; now it awakes with the sudden ambition of becoming national and perpetual. And forthwith Florida must be bought of Spain, and then an exterminating warfare carried on against the Indians there, to make more room to work and whip the wretched slave. And scarcely is this accomplished when plans are put on foot to rescue from Mexico the province of Texas, to make it a slave plantation. Now, again, Freedom rouses; she remonstrates, she makes a feeble resistance. but all to no avail. Texas was received into the Union with slavery perpetual and provision for four new slave States, to be carved out of her territory. Then a quarrel was picked with Mexico, by provocation and aggression, in order to acquire new soil to satisfy the increasing demand of the slave power. Freedom resisted, but was again overcome.

With the meanness and insolence of tyranny, the slave power compelled the government to refuse to acknowledge the independence of Hayti, where slaves have become freemen.

This slave system has forced our government to seek compensation for slaves escaped to foreign countries, or else to seek the surrender of fugitives, thus ignobly bowing our American institutions to assert in foreign countries the right of traffic in human flesh. This slave-ocracy, having once disavowed the foreign slave trade, has all the while kept up the infamous home slave trade, and now, with its increasing insolence, demands the restoration of the old hellish commerce.

Waxing powerful, it dared to enter the halls of Congress and lay its ruffian hand upon the right of petition. Freedom resisted, and John Quincy Adams made his name immortal, if by nothing else, by his triumph, alone, in spite of censure, and persecution, and exposure of life. But even this victory was sought to be overthrown, a short time since, when three thousand respectable citizens of New England dared to use the right of petition. Then, as if .to outrage all humanity, to violate the Constitution, and to compel the very citizens of the North to become slave hunters, and to make our broad, free domain a slave hunting ground, the Fugitive Slave Law was forced upon us, that denies these fundamental principles of our government, trial by jury and habeas corpus. Here, too, the North come to a stand, but was over-mastered by the despotism of the South.

Then is renewed the struggle upon the Missouri Compromise. Heretofore the South had received all her advantage from that compromise, and the North had received nothing but the nominal possession of a howling wilderness, inhabited only by wild animals and savages. But now Ahab looks over into the vineyard of Naboth; it is near his domain; it is a fertile region; emigration begins to pour in; and Ahab, in violation of all right, and in violation of a solemn compact, robs his neighbor. Here the North again resisted, with remonstrance, and petition, and appeal, and press, and pulpit, and forum, but all to no avail. As always before, the victory turned upon the side of oppression. Mark, here, another step of usurpation in regard to the national territory. At first, not a foot of national domain under slavery; then, the ordinance of '87 consecrated every foot of newly acquired territory to perpetual freedom; then, in the Missouri Compromise, half was given up to slavery, and now, by the Nebraska Act, the whole is thrown open to the blight, and curse, and misery of chattelhood in man.

Now, my hearers, let us pause a moment and consider who it is that has done all this. Is it the thirteen millions of freemen in the North? Is it the six millions of whites in the South? Nay; the largest share of them, the laboring white poor, are as abject as the very slaves that toil by their side. "White slaves" was the contemptuous term by which Gov. Robert Wickliffe, of Kentucky, was pleased to designate them, and so they are considered.

Who, then, are the persons that usurp so much authority and sway in our government? They are the slaveholders. And how many are they? Fortunately for the truth, but shamefully for the cause of freedom, the last census reveals that the whole number of this class, men, women and children, all told, is only three hundred and

forty-seven thousand. Of these the larger share are small slave-holders, leaving only 92,000 persons as the owners of the great mass of slaves. 92,000! Less than the present population of Chicago! Yet this is the power that has controlled our nation, and, at this very hour, is the supreme authority in this country. It is sometimes called the Black Power, or Slave Power. But Charles Sumner has given its proper name, the Slave Oligarchy. It is the government of the few, and they are the genuine specimen of Oligarchs. It is this Slave Oligarchy that has made all of the encroachments upon freedom of which I have been speaking. It is this Slave Oligarchy that has brought slavery from being local to being claimed as national. It is this Slave Oligarchy that has perverted our government from the principles of Washington, and Jefferson, and Madison, and Henry to the policy of Pierce, and Douglas, and Atchison, and Stringfellow. It is this Slave Oligarchy that has elected our presidents. It is this that has controlled our Congress. It is this that has given the speakers their chairs, with one honorable exception in the present House. It is this Slave Oligarchy that appoints our foreign ministers and places our judges upon the supreme bench. It is this that appoints all our postmasters and all our government officials. is the Slave Oligarchy that compels the North, besides paying their own postage, to pay a large surplus for the deficiency of the South; and then it is this same power that has robbed the mail of our letters and papers. It is this that subsidizes the national press. Indeed, there is nothing in the national government which the Slave Oligarchy does not appropriate. The power that has ruled this nation is as pure a despotism as ever insulted God or man.

Such is the nature of slavery, and such has ever been its legitimate working. The recent atrocities in Kansas and in Washington, that have electrified the people of the North by a double shock from the east and from the west, are but the natural working out of the system of slavery. These outrages are simply another step in the development of the nature of slavery. This is not an abnormal or accidental occurrence, but a legitimate part of the system. It is but carrying out the original plot. The same spirit has ever existed, but it has only lacked the power and opportunity, which are improved upon the first occasion.

Taking as data the nature of slavery and its actual course thus far, these later results might have been calculated long ago, with as much certainty as the astronomer fixes the time and manner of an eclipse. Given the terms of proportion, a boy, in arithmetic, could no more surely get the fourth than that this very result has followed from the means which have been at work. Good men had worked out this problem long before it came. They have feared, they have trembled, they have warned. Martyrs to American liberty are no new persons. Suppression of the free press is no new thing.

Slavery is no more ugly and hateful now than it has ever been. Its nature has received no new characteristic. It has only taken courage by success. It has only grown insolent by the subserviency of the North. It is while the freemen have slept upon the pillow of personal liberty that the enemy has been sowing tares, and now the fruit appears. The North is industrious and enterprising; the South lives upon the products extorted from slave labor; while the North has been building roads, turning out manufactures, cultivating the soil, driving

commerce, securing her own comfort in schools, churches, and societies, and, in short, according to her natural proclivity, minding her own business, the South has spent all her leisure in managing and manouvering to increase the power of slavery and to fasten it perpetually upon our American institutions. We had not yet waked up to the extent of the influence which had already been thus secured by the Slave Oligarchy. We had been accustomed to consider that the unfortunate three millions of Africans in the South were the only subjects of American slavery. This ought to have been enough to arouse us to a desperate effort in their behalf; but, as this did not suffice, we are brought literally to feel for them as hound with them. The chain is to be thrown about Northern freedom, and we are compelled to recognize the fact that slavery does exist in these United States and in the North, and we are compelled to see what the Slave Oligarchy mean to do.

My friends, I know not how to approach this recent development of slavery with any appropriate terms of description. I know that the Slave Oligarchy of 92,000 men are at this moment wielding the entire power of this National Government to advance their own designs. I know that the entire force of this administration is used in treason to liberty, and in the support of the blackest despotism that ever saw the sun. Removing the landmark of liberty, 36° 30′, was in contemptuous violation of national honor and national good faith. And when it was pretended that the country was thrown open to all alike, from the South and from the North, to choose whatever institutions they might prefer, then for the government by its strong arm to interfere and say, as it has said, freedom shall not go there, slavery only shall, the

terms hypocrisy, and meanness, and injustice don't begin to cover such conduct.

When an armed invasion from a neighboring State take possession of the ballot box upon the day appointed for the sovereigns of Kansas to express their will for their own government; when those freemen are driven from their elective franchise, the very boon for which our fathers bled and died; when the legislature thus elected by Border Ruffians is acknowledged, and defended by the President in two messages to Congress, this is declaring, by the national organ, that our free institutions are a sham and a failure, and that the usurpations of the slave-ocracy shall be sustained.

The children of the North were invited by the parental government to go and make their homes in that wilderness, that by causing it to bud and blossom, they might bring honor, and wealth, and power into the national family, all with the implied promise of protection to person, property and rights-protection which the government was under obligation to furnish, and which has been secured to emigrants to all other territories. And what is more, as if to invite confidence and assurance of safety, there were already upon the ground old, strong and well known fortifications for the country, so that in case of invasion from the savages on the west, they would be guarded by this friendly protection. But, when they were invaded by the savages of Missouri, what must have been their consternation to find that their very defense was their destruction.

So loyal were they to the parent government that, even in the face of their injuries, they repeated their attestations of submission to any federal law or authority, and were willing even, at the command of government, to

deliver up any of their men, or of their arms, and yet those same United States forces, under positive orders, stood by and defended the savages in their plunder, and arson, and murder, at Lawrence. And when the same outraged men were gathering at Topeka to avenge themselves upon their invaders, then the United States forces were ready to prevent their organizing. But I arraign the powers that be more for what they have not done than for what they have. They have not protected their good and loyal subjects. Only one word from the commander-in-chief to that United States fort would have been enough to have saved all this outrage, and disgrace, and blood. If the invaders had been warned that the United States would protect her citizens upon her own national territory, they would never have dared what they did; or, if they did, once would have been enough. Freemen are there shot down and their murderers allowed to go at large. When Kozta, only a partially naturalized citizen, was jeoparded in his rights, the United States government was very quick to furnish him redress; when some poor slave has got out of his voke of bondage, and is making his way to some land of liberty, orders from head-quarters tingle along the wires to every part of the country to catch the poor, degraded, despised victim of oppression. But to defend a freeman in Kansas is beyond the power of the United States, just because it is beyond their disposition. Many an American, traveling in the old world, has complained of the annoyance of passes from country to country. But we have now got far beyond this, for here a freeman, to travel in his own territory, must get a pass from some United States officer; and even that is violated, and the violation submitted to by the authorities. A judge upon the bench, a tool of the administration, makes up his jury, and alters and fills it up, all upon the simple principle of empanneling other tools of the slave power, and then he charges them to find every man guilty of treason who has done just what he was invited to do, just what other territories have done, just what many precedents have authorized, viz: organizing a State government, with constitution and laws.

But the greatest outrage of all is the attempt to enforce the laws of that pseudo-legislation. In comparison with these, the laws of Draco are redeemed from the single notoriety they have had for the last twenty-four hundred years.

These laws make it a death offense to carry away any slave from his master to make him free, and also a death offense to aid in persuading any slave to escape for his freedom. It is a felony punishable by five years' imprisonment at hard labor, to print, circulate or publish any book, paper, pamphlet or magazine containing any sentiment calculated to induce slaves to escape from their masters.

It is likewise a felony for any free person, by speaking or writing, to assert that persons have not the right to hold slaves there, or to circulate any book containing any denial of the right of any person to hold slaves in the territory.

By these laws, no person "conscientiously opposed to holding slaves" is allowed to sit on jury. All officers of the territory are obliged to swear to sustain the Fugitive Slave Law and the organic law of the territory. And all persons are required to take an oath to support the Fugitive Slave Law before they are allowed to vote. According to these laws it would be death to do what

many of this congregation have done, to hide the outcast, help him on his way, to feed the hungry, to clothe the naked. Freedom of speech, freedom of thought and freedom of the press are all smitten down at once. Jefferson would be a felon in Kansas, to say to a slave "I have sworn, upon the altar of my God, eternal hostility to tyranny in every form, over the mind and body of man."

Patrick Henry would be a felon, to say, in the presence of a slave, "Give me liberty or give me death." Ah, it would be felony there to read to slaves, or circulate among them, a book containing these words of our Declaration: "All men are born free and equal, and endowed with the inalienable rights of life and liberty," -a felony to point a slave to that article of the Constitution which says, "We, the people, in order to establish justice," the inalienable right of man, "do ordain." And yet these are the laws which the federal authorities are trying to enforce upon the free consciences and free hearts of free men. But the crime is not so much that these laws were made by a false legislature, and that they are so horrid in themselves, as that they are approved and accepted by the United States government, which is demanding their enforcement. It is not the Border Ruffians that deserve our execration so much as the federal administration. They are only the secondary, while this is the primary. They are the tools, willing and obedient, of a corrupt power. The lions that rend the martyrs are not so much to blame as the public authorities that furnish them with their prey.

And the embodiment of all this usurpation and tyranny is the chief magistrate of this Union. The Slave Oligarchy have devised the scheme and dictated the measures, but he is their willing and obedient executive. The

powerful influence of his office, as president of one of the mightiest nations on the globe, is all subsidized in the support of such usurpation.

The impersonated form of American liberty impeaches him of treason to freedom. The spirits of '76, in behalf of Kansas, impeach him of all the tyranny of the British king. "He has sent hither swarms of officers to harrass our people, and eat out their substance. He has combined with others to subject us to a jurisdiction foreign to our Constitution, giving his assent to their acts of pretended legislation. He has abdicated government here by declaring us out of his protection and waging war against it. He has excited domestic insurrection among us and endeavored to bring on the inhabitants of our frontier the merciless savages. Our repeated petitions have been answered only by repeated injury." All these charges have a "fearful particularity" in the executive oppressions of Kansas.

My hearers, leaving now this struggling people, despairing of rightful protection from this Democratic tyrant, let us follow her, all bloody and scarred, yet cheerful and buoyant, with her Republican Constitution in her hand, up to seek redress and protection by admission into the Union of States. She knocks at the door of the Senate, not with a tremulous hand, but confident in the righteousness of her cause. She is not welcomed in; she is repulsed; objections of informality are trumped up by the same omnipresent enemy that had crushed her at home. In the modesty of her virgin character she is ridiculed and tormented. But there the champions of Freedom espouse her cause. And now it is the time for the son of Massachusetts to stand up in defense of free Kansas. In the dignity and grandeur of a noble man and a true

patriot, himself the very_impersonation of Freedom, for two days he stood upon the basis of free speech and plead the cause of the new State. In words of burning light he described the CRIME against her, the concentration of desertion, conspiracy, invasion and murder, "and ending at last in the perfect subjugation of a generous people to an unprecedented usurpation. Turning aghast from the crime, which, like murder, seemed to confess itself, 'with most miraculous organ,'" he canvassed with "mingled shame and indignation the four apologies of tyranny, of imbecility, of absurdity and infamy, in which it had been wrapped, marking especially the false testimony, congenial with the original crime against the Emigrant Aid Society." Then he "noted in succession the four remedies, of tyranny, of folly, of injustice and civil war, and of justice and peace," which last was sustained as the only true remedy. The enemy were confounded; the shame of their crime was exposed; their arguments, and evasions, and sophistries were annihilated; their remedies were stamped with execration, and themselves, pierced with the arrows of exposure and riven by the lightning-flashes of truth, were filled with malice and rage at their own imbecility compared with that Colossus of American grandeur.

But still the slave power must triumph; if not in one way, it must in another; and so an armed savage creeps into the Senate Chamber and falls upon his victim, giving him no chance for self-defence, knocks him down upon the floor with one stunning blow, and then continues to pound that senseless body until his bludgeon was beaten into shivers. This attack had many aggravations, with not one single mitigation. It was premeditated. Another ruffian stood by brandishing a cane, with a pistol

under his skirt, to keep off a defense. Douglas, of giant infamy, stood by with his hands in his pocket. It was upon the Senate floor, aplace consecrated to free speech and personal safety. The victim was a most perfect gentleman, almost the idol of the North, so that the blows laid upon him were meant for every Northern freeman. The ruffian dared to appear in his seat the next morning with a self-justification. Senate appointed merely a milk-and-water committee to look into the matter. It was a direct expression of insult and contempt for Massachusetts; but most ignominiously of all, it was a blow deliberately and intentionally aimed at free speech and freedom in the North. It was no freak of passion; it was no hasty accident in the heat of debate; it was a predetermined plan for the slave-driving South to try its lash upon the noblest specimen of the Northern freeman. It was meant to teach the North who their masters are

This and the Kansas crime reveal a new step in the policy of slavery: that physical force must and shall be used to carry out its measures. The instigator of all this crime, a short time since, ventured to divulge the secret policy, when he declared to this first victim, "We will subdue you, sir;" and no one knows but this very thing was in his mind at the time. Every man of the Slave Oligarchy in the House and in the Senate voted against a committee even to enquire into this outrage, and their language was, "Brooks has done right;" "Sumner has got what he deserves." A court subsidized by slavery let the ruffian loose upon the paltry bail of \$500. The Southern press. teems with approval of the conspirators and with the foulest vituperation of the unfortunate man. They say this is the only way the Abolitionists can be controlled.

They recommend to follow it up upon Seward and others. Indeed a testimonial is to be presented from his own constituents to the cowardly assassin. When the murderer Herbert came into the House to take his seat, every representative from a Slave State, and every supporter of the Administration save one, voted that the matter of a murder by a Southerner was not worth inquiring into. When a veteran editor, because of his tendencies toward freedom, was beaten upon the grounds of the capitol by a Southern member, the subject was not even referred to in the House which had been so disgraced by the insolent bully.

Thus slavery has worked itself out. Those inhuman laws of Kansas; the determination to force slavery into a territory against the wishes of the actual citizens; the power that is used to crush out liberty from that region, and the recent demonstrations at Washington—all these but furnish an illustration to the world of what slavery is; and perhaps for this reason God has suffered these men to act out its spirit. Slavery is based upon force, and causes slaveholders to rely upon force for its defense; and force it will use, whether upon black man or white man, whether South or North.

Besides, slavery has now divulged its long secret plan to subvert the principles and ultimately to change the form of our government; to drive freedom of the press, of speech—all freedom—out of the land. Already she has turned the whole North into a hunting ground for slaves, and subsidized for this work every national officer. Already she has insolently declared that she will call the roll of her slaves in the shadow of Bunker Hill Monument. Already she demands, and it is feared the Supreme Court will grant the demand, to bring her slaves

unmolested to the North, to remain here as long as she pleases. Already she has torn up the landmark of freedom, and taken possession of a mighty domain of free soil. Already she has announced and commenced the work of subduing the North.

Thus we have sketched the struggle between slavery and freedom in this country, from the beginning to the present crisis. Inherently antagonistic, there has been a perpetual hostility between them. Slavery has been making continual aggressions, and in every attack has been successful. In the struggle, freedom has not gained one substantial victory. And every triumph of slavery has been increasingly flagrant. Every success has cmboldened its insolence; the Slave Oligarchy don't know what it is to be defeated, while freedom has become accustomed to humiliations and submissions. Nor is this crisis the ultimatum, the climax of Southern usurpation. It is but the sounding of the second angel, by which "a great mountain, burning with fire, was cast into the sea." An invading army of slavery is cast into Kansas; and when shall that sea of blood be dried up? There remain vet five angels to sound.

BUT WHAT MUST WE DO?

The first thing is, to pray to God.

That is a species of practical atheism prevailing at present which separates God from the governorship of nations, and makes Him indifferent to their conduct. Nothing is clearer than that for the first 4000 years of our race God gave especial attention to the management of nations and of governments. He dealt with nations in prosperity and in judgment, with rewards and with punishments, just as He did with individuals. He dealt with

them by name and by character. He dealt with nations and with national sins. He delivered oppressed nations from their oppressors. He exalted and He debased. And did the closing of the canon of scripture close God's connection with nations for care and for government? The history of the Christian era is as full of the marks of God's dealing with nations as the era of inspiration. In the origin of this nation God's hand is as distinctly seen as in the origin of the Jewish nation. The development of the Revolution was a peculiar and emphatic mark of the hand of God, as much as the deliverance of Israel. The mission God gave this nation for freedom and religion was as distinct as the mission of the Jews in Palestine. God designed this nation for a model of government, for the herald of universal freedom, for the missionary of the world. For this purpose He has given us unwonted power and prosperity. For this purpose He has given us the influence and standing of one of the mightiest nations on the globe.

But God sees that we have not fulfilled our mission. The independence which He secured to us we have not used in spreading liberty, but rather the power and prosperity He has given us has been prostituted to the furtherance of despotism. In the very heart of our domain and of our government has grown up the vilest system of usurpation and tyranny that God ever looked upon. God's image has been debased in the person of His poor enslaved. God's authority has been contemned. Our very religion has been made to throw its sacred mantle over this God-defying system. Our very Constitution, that was ordained to secure liberty, has been impressed to secure, intensify and extend slavery. Never were a nation so ungrateful as we have been. And does God

not regard this? Does He not feel this insult and dishonor? I believe God is greatly incensed at this nation. He has a controversy with us. O how great has been His forbearance! Not only has the South usurped this iniquity, but the North have yielded to it when it was in their power to have prevented it all. The North have stood by and seen the despoiling of liberty with scarcely a remonstrance—yea, the body of the North have joined hands with man-stealers and with the betrayers of American freedom.

We have allowed the encroachments of slavery. We have suffered the pillaging of the citadel of our liberties. We deserve to be slaves, and God knows it; and so He has allowed the recent demonstration to make us feel what the slaves have long been suffering. God has allowed the Border Ruffian and the national assassin to try the lasso of slavery upon the necks of freemen, to give us warning. God has been trying to save us, as a nation, from infamy. He has been trying to rouse us to a sense of our responsibility and our guilt, by holding the burning sun of His goodness before the icy mountain of our ingratitude. He has been trying to stimulate our national pride by leaving us the last nation in the support of bondage. He has been trying to make our national greatness put us to shame for our nation's disgrace. God has allowed the South to go on with a long succession of outrages and enormities that have exhausted all power of insult and injury, in order to arouse the North to independence. But all to no effect. At last He is compelled to allow the whisperings, yea, the muttering thunders of civil war to greet our ears. That we may be warned of our own coming degradation and enthraldom, He has brought us to taste the bitter portion of those whom we have neglected and despised. God is threatening His judgments. Can He be appeased? Yes. And how? By our repentance and doing our duty henceforth. Some of us have mourned over these things. But "how deep would that mourning go if we should arise above our national pride and national self-complacency, and look at our guilt as it appears before God!" We must repent and mourn for our sins in the sight of God.

Then we can again appeal to Him for help as our fathers did. Then we can have God on our side; and this must be, or all our plans will fail. We must seek to please God first of all. We must put ourselves into His plans; we must then do all His designs require. A most hopeful feature of the present crisis is, that it has driven the praying ones to God. They feel shut up to Him. All at once our prayer meetings have for their burden the desire of help from God for Kansas and for freedom. All at once the spirit of our public worship resolves itself into an acknowledgement of the sovereignty of God, into humiliation before Him and imploration of His help.

We must pray for the slaves; we must pray for our brethren in Kansas; we must pray that God would lay His hand upon their enemies; we must pray God to nullify the counsel of our rulers; we must pray for wisdom to direct us what to do.

But, besides uniting in prayer, we must be united in action. This has always been our defeat, that we were not united. The South are a unit upon this subject. No side issues are allowed to interrupt the harmony or massiveness of their action. In solid phalanx they march for "one idea," and that it is that has always secured them victory. But in the North various issues have distracted our movements. And we have had different methods for our different

issues. But has not the time come for us to lay aside all minor differences and unite upon the one, only, grand issue, of national freedom? All other questions are swallowed up in this. There is no other leading issue before the people of the United States-there is none other in Congress. The South unite because slavery is the basis of their system; it is, to them, their all. But, is not freedom as much the basis of our system? and is not that, to us, our all? The rapid, lengthy, hastening strides of the slave power are compelling us to this; there is no other way for us. It is for ourselves, liberty or slavery. The Slave Oligarchy that have so long ruled this government hate freedom, only for themselves; they hate the free institutions of the North, and they are determined to make an end of them. And in their extermination they mean to be no respecters of persons. This they have shown by making the man who was the first among us and nearest our hearts the first victim of national assassination. The meaning of that act, as respects Northern freemen, was the same as when Nero "wished that the whole people of Rome had but one neck, so that he could kill them all at one blow." We are then looked upon as a unit, by our enemies, and shall we not be a unit, for our mutual defense?

Some have been a long time enlisted in this cause, and they have fought for it as best they could; but this is now no time for them to complain of past grievances, or throw stones upon the new recruits. They have labored long to get slavery before the people as the issue, and now just that is coming to pass. Behold the fruit of labor! Neither is it any longer the time for those more recently joining this issue, to stigmatize those more radical as "Abolitionists." No man in this country has done

so much to redeem this title from reproach as Charles Sumner. And it is destined yet to become a title of honor-all the more noble for the odium heaped upon it. At the ballot box we must be united. We must vote for principles and for principles in our men. That little box has been styled the palladium of our liberties. It is the home of our freedom; it is the right arm of our power; it is the repository of our God-given rights. We must protect it more sacred than the ancients their household deities. We must use it under a sense of our responsibility to God, to our country and to humanity.

Is there no danger in this quarter, and no need of union at the ballot box and in its defense, when just the thing which was done at the Kansas election has been done in the State north of us by the same southern power which foisted a bogus governor, a tool of slavery, into the chair of freemen's sovereignty?

The same will be done in Illinois, and Massachusetts, and all our States, if we do not unite to check the encroachments of this insolent despotism. But what shall we do for our brethren in Kansas, whose liberties have been throttled, whose property is destroyed, and whose lives are in jeopardy?

After calm deliberation I am prepared to answer,

Defend them by force.

The matter is reduced simply to a question of self-de-That principle God has put within us; it is a responsibility of our divine constitution. I need not argue it. A wife and a babe look to me for protection, and I am untrue to my manhood, unfaithful to my God, if I do not defend them in time of peril. An armed invasion directed by the slave power is determined to drive freedom and freemen out of Kansas, by powder

and ball. To defend these thousands of freemen there, or even to defend freedom for Kansas alone, is not the question. That were enough; but the principle of our American liberties is again brought to the test. It is the same issue over again which our fathers in the Revolution met and decided so gloriously. It is the issue of despotism against our national freedom. I can put it upon no other basis. The enemy comes from a different quarter. but is still the same enemy of our American liberty. Indeed it seems more imperious than that noble movement. There are much greater grievances; there are greater aggravations; there is more at stake. The number of persons in abject chattel slavery is now greater than the original number who fought for freedom; then there are, besides, 20,000,000 of freemen to be defended. Kansas has become the Thermopylæ of our national freedom. Her defeat is our defeat. Weighty events in history are made to turn upon single points. A victory of three hundred Spartans decided the fortune of a mighty nation. A Gideon, with three hundred chosen men, made an era in the history of Israel. The Southern Oligarchy have chosen the battle field and the time: Kansas, and now. The taking of Sevastopol decided the result of a war in which nearly all the nations of Europe were embroiled. Kansas is now the Sevastopol of wavering despotism and freedom. If we meet the issue there it may save us hundreds of battles all along the line of our free domain. For this is the question: Shall we defend ourselves in Kansas now, or wait till Illinois is in jeopardy? The same policy and power that opened a passage for slavery into Kansas through the Missouri Compromise can just as well, by and by, annul the Ordinance of 1787, and then we shall have to see Kansas

scenes enacted all over these five glorious North-Western States. It is not only the question of the freedom of the black slaves, but whether we ourselves shall be reduced to a more degraded bondage than our fathers were delivered from. We may as well look at the matter calmly now, and decide whether we will be freemen or slaves.

We, the people of the United States, have united together for mutual protection—we have appointed an agent to perform that function for us—that agent is our national government; and now that our agent has failed to protect a part of our commonwealth, whose is the business and whose the responsibility to defend them but ourselves? If we do not, we make ourselves responsible to Kansas for all the wrongs of the government. Yes, who are the sovereigns—the people, or the government? Has that old American idea of individual royalty died out of our blood, and out of our principles?

Besides, the unborn millions that are to swarm across the continent from Kansas to the Pacific, will look to us as the authors of their blessings, or their miseries, according as we now decide for that territory. There are to be six new States there by and by-New Mexico. Oregon, Washington, Utah, Nebraska and Kansas-and their fate will, in all probability, be decided by the result These embryo States are like lambs huddled together in a thicket, while wolves, hungry and fierce, prowl about them, now that they have got a taste of blood. Shall we deliver those innocents out of the jaws of wild beasts? Are we always to be satisfied with mere impulse and indignation? Is it enough, with provoking ludicrousness, ever to be whining our grievances without redressing them? We blustered when Texas was received, but we did nothing else. We denounced the Mexican war, but no more. We boiled over at the Fugitive Slave law, and soon all was quiet again. We became highly excited at the Nebraska perfidy, but very soon quietly acquiesced. And now our indignation is up to boiling point, and shall we do any thing more? Or shall we sink ourselves lower in our own self-respect, and deeper in the contempt of all who look upon us, by cooling off again into acquiescence?

Are we to be content with the single notoriety of infamy in being the last of all the nations in upholding slavery, or rather in becoming ourselves slaves? France, England and Denmark have abolished their slavery; and so Morocco, and Tunis, and Madagascar. Austria, Russia and Turkey are all following. To us alone belongs the hateful championship.

Self-defense is the only way to preserve peace. Imbecility now will encourage further aggression. Firmness will vanquish bravado. I believe there is a moral force in Sharpe's rifles. The proof is at Lawrence; her preparation and her readiness to defend herself did what no negotiation, no entreaty, no argument could do. At the second attack moral suasion was tried without rifles, and their town was destroyed and citizens murdered. The influence of merely moral means upon such men is seen by the impression made upon them by that magnificent effort of argument and oratory which only secured at their hands the pounding of the massive brain that conceived it. Anything like a respectable self-defense will secure respect and safety.

When a wicked government had put forth an edict for the entire destruction of the Jewish nation, Esther and Mordecai set the people all to praying. That was just right; but they also put weapons into their hands for

defense, and their prayers were only answered in the use of those weapons. Those who did not use the means of defense did not have their prayers answered. A missionary has just written from Turkey, where he says he is more free to publish the gospel than he would be in half of the United States, "If the sword was rightly put into the hands of the sons of Levi, when Moses broke the tables and they slew three thousand of the idolatrous Israelites, if in that case they might slay every man his brother and every man his neighbor, how much more clearly may the sons of freedom in Kansas calmly protect their wives and homes from coward brutes." Nehemiah and his men might justifiably carry a weapon in one hand to defend themselves from the border ruffians while they built the walls of Jerusalem with the other, may not our brethren who are building the wall of freedom in Kansas, likewise defend themselves from savage foes? And is it not our duty to go and help them, even as whole companies came up from Babylon to assist Nehemiah? The North have forborne for a long time; they have long submitted for the sake of peace. But their forbearance will by and by give out, and their pent-up, fiery indignation, which has long been accumulating, and only intensified by the pressure, will by and by "burst forth into a volcano of terror," as in the words of our text, "And at the time of the end" of their forbearance, "shall the King of the South push at him, and the King of the North shall come against him like a whirlwind, with chariots, and with horsemen and with many ships, and he shall enter into the countries, and shall overflow and pass over."

If the South still persist in rushing this nation on to civil war, that "whirlwind" will sweep from Mason & Dixon's to Florida; from the Alleghanies to the Rocky Mountains. The South are rousing up a force now that they have never felt and they know little of. I mean the religious sentiment. Conscience keeps that feeling from organized warfare and from aggression; but when, after endurance is no longer a virtue, and conscience interposes no barriers to its courage, but even backs it up, giving a spell to all its audacity and fascination to its sanguine chivalry, there is a power that is perfectly irresistible. It is this that makes your Cromwells and your Round Heads. It is this that gives them their daring and success. Indeed, when has ever freedom made any material advance in the world which has not been conquered from a relentless tyranny? And when has there ever been any achievement of liberty that did not suck its life from the blood of conscientious heroes?

Or where has there ever been any yielding of the grasp of despotism which was not wrenched from its very teeth? The South, trained to drive, taught to subdue, tickled with authority, grown plethoric and insolent by chivalry, will probably never cease their oppression and tyranny until God sends some Moses to accomplish another exodus, through fire, and death, and wave! God has been sending prosperity and mercy until the Pharaoh of slavery has already hardened himself beyond the induration of his Egyptian namesake. And now he is trying the severer test of threatening war. But wo be the day when God leads forth His people from the midst of wailings from every house, from the palace of Pharaoh to the little cabin of him who drives a single slave!

I do not counsel aggression and insubordination, but I do counsel self-preservation through the defense of Kansas. I do counsel the raising of money and men to send to their distress—"settlers who will invade no man's rights,

but will maintain their own." Why do you praise the deeds of your fathers and boast your descent from the blood of '76? It is because they were Christian patriots, the world's benefactors. Be worthy sons of your worthy sires. And why do you men always sit at the head of your slips in church, with so much uniformity that it has become an irreversible fashion? The habit is said to have come down from your fathers, who worshipped God while thus they sat with their family under one arm for protection and their other arm upon a musket, ready to defend themselves against a sudden foe. May not, then, their children truly worship the same God, and yet stand ready to defend themselves where they have gone to plant and cultivate the Puritan principles upon the plains of Kansas?

The closing words of that mangled orator whose sweet reverberations of liberty and humanity have scarcely died out of our ears, I am happy to adopt:

"In just regard for free labor in that territory, which it is sought to blast by unwelcome association with slave labor; in Christian sympathy with the slave, whom it is proposed to task and to sell there; in stern condemnation of the crime which has been consummated on that beautiful soil; in rescue of fellow citizens now subjugated to a tyrannical usurpation; in dutiful respect for our early fathers, whose aspirations are now ignobly thwarted; in the name of the Constitution, which has been outraged—of the laws trampled down—of justice banished—of humanity degraded—of peace destroyed—of freedom crushed to the earth, and in the name of the Heavenly Father, whose service is perfect freedom, I make this last appeal."



SPEECH

OF

WILLIAM H. SEWARD,

ON THE

ABROGATION OF THE MISSOURI COMPROMISE,

IN THE

KANSAS AND NEBRASKA BILLS.

SENATE OF THE UNITED STATES, FEBRUARY 17, 1854.

WASHINGTON, D. C. BUELL & BLANCHARD, PRINTERS. 1854.



SPEECH OF WILLIAM H. SEWARD.

MR. PRESIDENT:

The United States, at the close of the Revolution, rested southward on the St. Mary's, and westward on the Mississippi, and possessed a broad, unoccupied domain, circumscribed by those rivers, the Alleghany mountains, and the great Northern lakes. The Constitution anticipated the division of this domain into States, to be admitted as members of the Union, but it neither provided for nor anticipated any enlargement of the national boundaries. The People, engaged in reorganizing their Governments, improving their social systems, and establishing relations of commerce and friendship with other nations, remained many years content within their apparently ample limits. But it was already foreseen that the free navigation of the Mississippi would soon become an urgent public want.

France, although she had lost Canada, in Irô3, nevertheless, still retained her ancient territories on the western bank of the Mississippi. She had also, just before the breaking out of her own fearful revolution, re-acquired, by a secret treaty, the possessions on the Gulf of Mexico, which, in a recent war, had been wrested from her by Spain. Her First Consul, among those brilliant achievements which proved him the first Statesman as well as this Captain of Europe, sagaciously sold the whole of these possessions to the United States, for a liberal sum, and thus replenished his treas-

ury, while he saved from his enemies, and trans-

ferred to a friendly Power, distant and vast

regions, which, for want of adequate naval force, he was unable to defend.

This purchase of Louisiana from France, by the United States, involved a grave dispute concerning the western limits of that province; and that controversy, having remained open until 1819, was then adjusted by a treaty, in which they relinquished Texas to Spain, and accepted a cession of the early-discovered and long-inhabited provinces of East Florida and West Florida. The United States stipulated, in each of these cases, to admit the countries thus annexed into the Federal Union.

The acquisitions of Oregon, by discovery and occupation, of Texas, by her voluntary annexation, and of New Mexico and California, including what is now called Utah, by war, completed that rapid course of enlargement, at the close of which our frontier has been fixed near the centre of what was New Spain, on the At-

lantic side of the continent, while on the west, as on the east, only an ocean separates us from the nations of the old world. It is not in my way now to speculate on the question, how long we are to rest on these advanced positions.

Slavery, before the Revolution, existed in all the thirteen Colonies, as it did also in nearly all the other European plantations in America. But it had been forced by British authority, for political and commercial ends, on the American People, against their own sagacious instincts of policy, and their stronger feelings of justice and hufmanity.

They had protested and remonstrated against the system, earnestly, for forty years, and they ceased to protest and remonstrate against it only when they finally committed their entire cause of complaint to the arbitrament of arms. An earnest spirit of emancipation was abroad in the Colonies at the close of the Revolution, and all of them, except, perhaps, South Carolina and Georgia, anticipated, desired, and designed an early removal of the system from the country. The suppression of the African slave trade, which was universally regarded as ancillary to that great measure, was not, without much reluctance, postponed until 1808.

While there was no national power, and no claim or desire for national power, anywhere, to compel involuntary emancipation in the States where slavery existed, there was at the same time a very general desire and a strong purpose to prevent its introduction into new communities yet to be formed, and into new States yet to be established. Mr. Jefferson proposed, as early as 1784, to exclude it from the national domain which should be constituted by cessions from the States to the United States, He recommended and urged the measure as ancillary, also, to the ultimate policy of emancipation. There seems to have been at first no very deep jealousy between the emancipating and the non-emancipating States; and the policy of admitting new States was not disturbed by questions concerning slavery. Vermont, a non-slaveholding State, was admitted in 1793. Kentucky, a tramontane slaveholding community, having been detached from Virginia, was admitted, without being questioned, about the same time. So, also, Tennessee, which was a similar community separated from North Carolina, was admitted in 1796, with a stipulation that the Ordinance which Mr. Jefferson had first proposed, and which had in the mean

of the Ohio, should not be held to apply within her limits. The same course was adopted in organizing Territorial Governments for Mississippi and Alabama, slaveholding communities which had been detached from South Carolina and Georgia. All these States and Territories were situated southwest of the Ohio river, all were more or less already peopled by slaveholders with their slaves; and to have excluded slavery within their limits would have been a national act, not of preventing the introduction of slavery, but of abolishing slavery. In short, the region southwest of the Ohio river presented a field in which the policy of preventing the introduction of slavery was impracticable. Our forefathers never attempted what was impracticable.

But the case was otherwise in that fair and broad region which stretched away from the banks of the Ohio, northward to the lakes, and westward to the Mississippi. It was yet free, or practically free, from the presence of slaves, and was nearly uninhabited, and quite unoccupied. There was then no Baltimore and Ohio railroad, no Erie railroad, no New York Central railroad, no Boston and Ogdensburgh railroad; there was no railroad through Canada; nor, indeed, any road around or across the mountains; no imperial Erie canal, no Welland canal, no lockages around the rapids and the falls of the St. Lawrence, the Mohawk, and the Niagara rivers, and no steam navigation on the lakes or on the Hudson, or on the Mississippi. There, in that remote and secluded region, the prevention of the introduction of slavery was possible; and there our forefathers, who left no possible national good unattempted, did prevent it. It makes one's heart bound with joy and gratitude, and lift itself up with mingled pride and veneration, to read the history of that great transaction. Discarding the trite and common forms of expressing the national will, they did not merely "vote," or "resolve," or "enact," as on other occasions, but they "ORDAINED," in language marked at once with precision, amplification, solemnity, and emphasis, that there "shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted." And they further ORDAINED and declared that this law should be considered a COMPACT between the original States and the People and States of said Territory, and forever remain unalterable, unless by common consent. The Ordinance was agreed to unanimously. Virginia, in re-affirming her cession of the territory, ratified it, and the first Congress held under the Constitution solemnly renewed and confirmed it.

In pursuance of this Ordinance, the several Territorial Governments successively established in the Northwest Territory were organized with a prohibition of the introduction of slave-

time been adopted for the Territory northwest ry, and in due time, though at successive periods, Ohio, Indiana, Illinois, Michigan, and Wisconsin, States erected within that Territory, have come into the Union with Constitutions in their hands forever prohibiting slavery and involuntary servitude, except for the punishment of crime. They are yet young but, nevertheless, who has ever seen elsewhere such States as they are! There are gathered the young, the vigorous, the active, the enlightened sons of every State, the flower and choice of every State in this broad Union; and there the emigrant for conscience sake, and for freedom's sake, from every land in Europe, from proud and all conquering Britain, from heartbroken Ireland, from sunny Italy, from mercurial France, from spiritual Germany, from chivalrous Hungary, and from honest and brave old Sweden and Norway. Thence are already coming ample supplies of corn and wheat and wine for the manufacturers of the East, for the planters of the tropics, and even for the artisans and the armies of Europe; and thence will continue to come in long succession, as they have already begun to come, statesmen and legislators for this continent.

Thus it appears, Mr. President, that it was the policy of our fathers, in regard to the original domain of the United States, to prevent the introduction of slavery, wherever it was practicable. This policy encountered greater difficulites when it came under consideration with a view to its establishment in regions not included within our original domain. slavery had been actually abolished already, by some of the emancipating States, several of them, owing to a great change in the relative value of the productions of slave labor, had fallen off into the class of non-emancipating States; and now the whole family of States was divided and classified as slaveholding or slave States, and non-slaveholding or free States. A rivalry for political ascendency was soon developed; and, besides the motives of interest and philanthropy which had before existed, there was now on each side a desire to increase, from among the candidates for admission into the Union, the number of States in their respective classes, and so their relative

weight and influence in the Federal Councils. The country which had been acquired from France was, in 1804, organized in two Territories, one of which, including New Orleans as its capital, was called Orleans, and the other, having St. Louis for its chief town, was called Louisiana. In 1812, the Territory of Orleans was admitted as a new State, under the name of Louisiana. It had been an old slaveholding colony of France, and the prevention of slavery within it would have been a simple act of abolition. At the same time, the Territory of Louisiana, by authority of Congress, took the name of Missouri; and, in 1819, the portion thereof which now constitutes the State of Arkansas was detached and beame a Territory, was then but thinly peopled, and had an inconsiderable number of slaves, applied for admission into the Union, and her application brought the question of extending the policy of the Ordinance of 1787 to that State, and to other new States in the region acquired from France, to a direct issue. The House of Representatives insisted on a prohibition against the further introduction of slavery in the State, as a condition of her admission. The Senate disagreed with the House in that demand. The non-slaveholding States sustained the House, and the slaveholding States sustained the Senate. The difference was radical, and tended towards revolution.

One party maintained that the condition demanded was constitutional, the other that it was unconstitutional. . The public mind became intensely excited, and painful apprehensions of disunion and civil war began to pre-

vail in the country.

In this crisis, a majority of both Houses agreed upon a plan for the adjustment of the controversy. By this plan, Maine, a nonslaveholding State, was to be admitted; Missouri was to be admitted without submitting to the condition before mentioned; and in all that part of the Territory acquired from France, which was north of the line of 36 deg. 30 min. of north latitude, slavery was to be forever prohibited. Louisiana, which was a part of that Territory, had been admitted as a slave State eight years before; and now, not only was Missouri to be admitted as a slave State, but Arkansas, which was south of that line by strong implication, was also to be admitted as a slaveholding State. I need not indicate what were the equivalents which the respective parties were to receive in this arrangement, further than to say that the slaveholding States practically were to receive slaveholding States, the free States to receive a desert, a solitude, in which they might, if they could, plant the germs of future free States. This measure was adopted. It was a great national transactionthe first of a class of transactions which have since come to be thoroughly defined and well understood, under the name of compromises. My own opinions concerning them are well known, and are not in question here. According to the general understanding, they are marked by peculiar circumstances and features, viz:

First, there is a division of opinion upon some vital national question between the two Houses of Congress, which division is irreconcilable, except by mutual concessions of interests and opinions, which the Houses deem con-

stitutional and just.

Secondly, they are rendered necessary by impending calamities, to result from the failure of legislation, and to be no otherwise averted than by such mutual concessions, or sacrifices.

under that name. In 1819, Missouri, which equal, or are accepted as such, and so become conditions of the mutual arrangement.

Fourthly, by this mutual exchange of conditions, the transaction takes on the nature and character of a contract, compact, or treaty, between the parties represented; and so, according to well-settled principles of morality and public law, the statute which embodies it is understood, by those who uphold this system of legislation, to be irrevocable and irrepealable, except by the mutual consent of both, or of all the parties concerned. Not, indeed, that it is absolutely irrepealable, but that it cannot be repealed without a violation of honor, justice, and good faith, which it is presumed will not be committed.

Such was the Compromise of 1820. Missouri came into the Union immediately as a slaveholding State, and Arkansas came in as a slaveholding State, sixteen years afterward. Nebraska, the part of the Territory reserved exclusively for free Territories and free States. has remained a wilderness ever since. And now it is proposed here to abrogate, not, indeed, the whole Compromise, but only that part of it which saved Nebraska as free terri tory, to be afterwards divided into non-slave holding States, which should be admitted in to the Union. And this is proposed, notwithstanding an universal acquiescence in the Compromise, by both parties, for thirty years, and its confirmation, over and over again by many acts of successive Congresses, and notwithstanding that the slaveholding States have peaceably enjoyed, ever since it was made, all their equivalents, while, owing to circumstances which will hereafter appear, the non-slaveholding States have not practically enjoyed those guarantied to them.

This is the question now before the Senate

of the United States of America.

It is a question of transcendent importance. The proviso of 1820, to be abrogated in Nebraska, is the Ordinance of the Continental Congress of 1787, extended over a new part of the national domain, acquired under our present Constitution. It is rendered venerable by its antiquity, and sacred by the memory of that Congress, which, in surrendering its trust, after establishing the Ordinance, enjoined it upon posterity, always to remember that the cause of the United States was the cause of Human The question involves an issue of public faith, and national morality and honor. It will be a sad day for this Republic, when such a question shall be deemed unworthy of grave discussion and shall fail to excite intense interest. Even if it were certain that the inhibition of slavery in the region concerned was unnecessary, and if the question was thus reduced to a mere abstraction, yet even that abstraction w uld involve the testimony of the United States on the expediency, wisdom, morality, and justice, of the system of human bondage, with which Thirdly, such concessions are mutual and this and other portions of the world have been

so long afflicted; and it will be a melancholy | day for the Republic and for mankind, when her decision on even such an abstraction shall command no respect, and inspire no hope into the hearts of the oppressed. But it is no such abstraction. It was no unnecessary dispute. no mere contest of blind passion, that brought that Compromise into being. Slavery and Freedom were active antagonists, then seeking for ascendency in this Union. Both Slavery and Freedom are more vigorous, active, and self-aggrandizing now, than they were then, or ever were before or since that period. The contest between them has been only protracted. not decided. It is a great feature in our national Hereafter. So the question of adhering to or abrogating this Compromise is no unmeaning issue, and no contest of mere blind passion now.

To adhere, is to secure the occupation by freemen, with free labor, of a region in the very centre of the continent, capable of sustaining, and in that event destined, though it may be only after a far-distant period, to sustain ten, twenty, thirty, forty millions of people and their successive generations forever!

To abrogate, is to resign all that vast region to chances which mortal vision cannot fully foresee; perhaps to the sovereignty of such stinted and short-lived communities as those of which Mexico and South America and the West India Islands present us with examples; perhaps to convert that region into the scene of long and desolating conflicts between not merely races, but castes, to end, like a similar conflict in Egypt, in a convulsive exodus of the oppressed people, despoiling their superiors; perhaps, like one not dissimilar in Spain. in the forcible expulsion of the inferior race, exhausting the State by the sudden and complete suppression of a great resource of national wealth and labor; perhaps in the disastrous expulsion, even of the superior race itself, by a people too suddenly raised from slavery to liberty, as in St. Domingo. To adhere, is to secure forever the presence here, after some lapse of time, of two, four, ten, twenty, or more Senators, and of Representatives in larger proportions, to uphold the policy and interests of the non-slaveholding States, and balance that ever-increasing representation of slaveholding States, which past experience, and the decay of the Spanish American States, admonish us has only just begun; to save what the nonslaveholding States have in mints, navy yards, the military academy and fortifications, to balance against the capital and federal institutions in the slaveholding States; to save against any danger from adverse or hostile policy, the culture, the manufactures, and the commerce, as well as the just influence and weight of the national principles and sentiments of the slaveholding States. To adhere, is to save, to the non-slaveholding States, as well as to the slaveholding States, always, and in every event, a

right of way and free communication across the continent, to and with the States on the Pacific coasts, and with the rising States on the islands in the South Sea, and with all the eastern nations on the vast continent of Asia.

To abrogate, on the contrary, is to commit all these precious interests to the chances and hazards of embarrassment and injury by legislation, under the influence of social, political, and commercial jealousy and rivalry; and in the event of the secession of the slaveholding States, which is so often threatened in their name, but I thank God without their authority, to give to a servile population a La^a Vendee at the very sources of the Mississippi, and in the very recesses of the Rocky Mountains.

Nor is this last a contingency against which a statesman, when engaged in giving a Constitution for such a Territory, so situated, must veil his eyes. It is a statesman's province and duty to look before as well as after. I know, indeed, the present loyalty of the American People, North and South, and East and West, I know that it is a sentiment stronger than any sectional interest or ambition, and stronger than even the love of equality in the non-slaveholding States; and stronger, I doubt not, than the love of slavery in the slaveholding States. But I do not know, and no mortal sagacity does know, the seductions of interest and ambition, and the influences of passion, which are yet to be matured in every region. I know this, however: that this Union is safe now, and that it will be safe so long as impartial political equality shall constitute the basis of society, as it has heretofore done, in even half of these States, and they shall thus maintain a just equilibrium against the slaveholding States. But I am well assured, also, on the other hand, that if ever the slaveholding States shall multiply themselves, and extend their sphere, so that they could, without association with the nonslaveholding States, constitute of themselves a commercial republic, from that day their rule, through the Executive, Judicial, and Legislative powers of this Government, will be such as will be hard for the non-slaveholding States to bear; and their pride and ambition, since they are congregations of men, and are moved by human passions, will consent to no Union in which they shall not so rule.

The slaveholding States already possess the mouths of the Mississippi, and their territory reaches far northward along its banks, on one side to the Ohio, and on the other even to the confluence of the Missouri. They stretch their dominion now from the banks of the Delaware, quite around bay, headland, and promontory, to the Rio Grande. They will not stop, although they now think they may, on the summit of the Sierra Nevada; may, their armed pioneers are already in Sonora, and their eyes are already fixed, never to be taken off, on the island of Cuba, the Queen of the Antilles. If we of the non-slaveholding States surrender to

them now the eastern slope of the Rocky! Mountains, and the very sources of the Mississippi, what territory will be secure, what territory can be secured hereafter, for the creation and organization of free States, within our ocean-bound domain? What territories on this continent will remain unappropriated and unoccupied, for us to annex? What territories. even if we are able to buy or conquer them from Great Britain or Russia, will the slaveholding States suffer, much less aid, us to annex, to restore the equilibrium which by this unnecessary measure we shall have so unwisely, so hurriedly, so suicidally subverted?

Nor am I to be told that only a few slaves will enter into this vast region. One slaveholder in a new Territory, with access to the Executive ear at Washington, exercises more political influence than five hundred freemen. It is not necessary that all or a majority of the citizens of a State shall be slaveholders, to constitute a slaveholding State. Delaware has only 2,000 slaves, against 91,000 freemen; and yet Delaware is a slaveholding State. The proportion is not substantially different in Maryland and in Missouri; and yet they are slaveholding States. These, sir, are the stakes in this legislative game, in which I lament to see, that while the representatives of the slaveholding States are unanimously and earnestly playing to win, so many of the representatives of the non-slaveholding States are with even greater zeal and diligence playing to lose.

Mr. President, the Committee who have recommended these twin bills for the organization of the Territories of Nebraska and Kansas hold the affirmative in the argument upon their

passage.

What is the case they present to the Senate

and the country?

They have submitted a report; but that report, brought in before they had introduced or even conceived this bold and daring measure of abrogating the Missouri Compromise, directs all its arguments against it.

The Committee say, in their report:

"Such being the character of the controversy, in respect to the territory acquired from Moxico, a similar question has arisen in regard to the right to hold slaves in the proposed Territory of Nobraska, when the Indian laws shall he withdrawn, and the country thrown open to emigration and settlement. By the 8th section of 'an act to authorize the people of the Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit Slavery in certain Territories, approved March 6, 1820, it was provided: 'That in all that Territory ceded by France to the United States under the name of Louisiana, which lies north of thiry six degrees and thirty minntes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the U. it d States, such fugitive may be law-

fully reelaimed, and conveyed to the person claiming his or her labor or sorvice, as aforesaid.' "Under this section, as in the case of the Mexican law in New Mexico and Utah, it is a disputed point whether slavery is prohibited in the Nebraska coun-try by valid enactment. The decision of this ques-tion involves the constitutional power of Congress to pass laws prescribing and regulating the domestic institutions of the various Territories of the Union. the opin on of those eminent statesmen who hold that Congress is invested with no rightful authority to legislate upon the subject of slavery in the Territories, the 8th section of the act preparatory to the admission of Missouri is null and void; while the prevailing sentment in large portions of the Union sustains the doctrine that the Constitution of the United States secures to overy citizen an inalienable right to move into any of the Territories with his property, of whatever kind and description, and to hold and enjoy the same under the sanction of law. Your Committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agi-tation, the sectional strife, and the fearful struggle of 1850. As Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitut.on, and the extent of the protection afforded by it to slave property in the Territories, so your Committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the 8th section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute."

This report gives us the deliberate judgment of the Committee on two important points. First, that the Compromise of 1850 did not, by its letter or by its spirit, repeal, or render necessary, or even propose, the abrogation of the Missouri Compromise; and, secondly, that the Missouri Compromise ought not now to be abrogated. And now, sir, what do we next hear from this Committee? First, two similar and kindred bills, actually abrogating the Missouri Compromise, which, in their report, they had told us ought not to be abrogated at all. Secondly, these bills declare on their face, in substance, that that Compromise was already abrogated by the spirit of that very Compromise of 1850, which, in their report they had just shown us, left the Compromise of 1820 absolutely unaffected and unimpaired. Thirdly, the Committee favor us, by their chairman, with an oral explanation, that the amended bills abrogating the Missouri Compromise are identical with their previous bill, which did not abrogate it, and are only made to differ in phraseology, to the end that the provisions contained in their previous, and now discarded, bill, shall be absolutely clear and certain.

I entertain great respect for the Committee itself, but I must take leave to say that the inconsistencies and self-contradictions contained in the papers it has given us, have destroyed all claims, on the part of those documents, to respect, here or elsewhere.

The recital of the effect of the Compromise of 1850 upon the Compromise of 1820, as finally revised, corrected, and amended, here in the ace of the Senate, means after all substantially what that recital meant as it stood before it was perfected, or else it means nothing tangible or worthy of consideration at all. What if the spirit, or even the letter, of the Compromise laws of 1850 did conflict with the Compromise of 1820? The Compromise of 1820 was, by its very nature, a Compromise irrepealable and unchangeable, without a violation of honor, justice, and good faith. The Compromise of 1850, if it impaired the previous Compromise to the extent of the loss to free labor of one acre of the Territory of Nebraska, was either absolutely void, or ought, in all subsequent legislation, to be deemed and held void.

What if the spirit or the letter of the Compromise was a violation of the Compromise of 1820? Then, inasmuch as the Compromise of 1820 was inviolable, the attempted violation of it shows that the so-called Compromise of 1850 was to that extent not a Compromise at all, but a factitions, spurious, and pretented Compromise. What if the letter or the spirit of the Compromise of 1850 did supersede or impair, or in any way, in any degree, conflict with the Compromise of 1820? Then that is a reason for abrogating, not the irrepealable and inviolable Compromise of 1820, but the spurious and pretended Compromise of 1850.

Mr. President, why is this reason for the proposed abrogation of the Compromise of 1820 assigned in these bills at all? It is unnecessary. The assignment of a reason adds nothing to the force or weight of the abrogation itself. Either the fact alleged as a reason is true or it is not true. If it be untrue, your asserting it here will not make it true. If it be true, it is apparent in the text of the law of 1850, without the aid of legislative exposition now. It is unusual. It is unparliamentary. The language of the lawgiver, whether the sovereign be Democratic, Republican, or Despotic, is always the same. It is mandatory, imperative. If the lawgiver explains at all in a statute the reason for it, the reason is that it is his pleasure-sic volo, sic jubeo. Look at the Compromise of 1820. Does it plead an excuse for its commands? Look at the Compromise of 1850, drawn by the master-hand of our American Chatham. Does that bespeak your favor by a quibbling or shuffling apology? Look at your own, now rejected, first Nebraska bill, which, by conclusive implication, saved the effect of the Missouri Compromise. Look at any other bill ever reported by the Committee on Territories. Look at any other bill now on your calendar. Examine all the laws on your statute books. Do you find any one bill or statute which ever came bowing, stooping, and wriggling into the Senate, pleading an excuse for its clear and explicit declaration of the sovereign and irresistible will of the American People? The departure from this habit in this solitary case betrays self-distrust, and an attempt on the part of the bill to divert the

public attention, to raise complex and immaterial issues, to perplex and bewilder and comfound the People by whom this transaction is to be reviewed. Look again at the vacillation betrayed in the frequent changes of the structure of this apology. At first the recital told us that the eighth section of the Compromise act of 1820 was superseded by the principles of the Compromise laws of 1850-as if any one had ever heard of a supersedeas of one local law by the mere principles of another local law, enacted for an altogether different region, thirty years afterwards. On another day we were told, by an amendment of the recital, that the Compromise of 1820 was not superseded by the Compromise of 1850 at all, but was only "inconsistent with" it - as If a local act which was irrepealable was now to be abrogated, because it was inconsistent with a subsequent enactment, which had no application whatever within the region to which the first enactment was confined. On a third day the meaning of the recital was further and finally elucidated by an amendment, which declared that the first irrepealable act protecting Nebraska from slavery was now declared "inoperative and void, "because it was inconsistent with the present purposes of Congress not to legislate slavery into any Territory or State, nor to exclude it therefrom.

But take this apology in whatever form it may be expressed, and test its logic by a simple process.

The law of 1820 secured free institutions in the regions acquired from France in 1803, by the wise and prudent foresight of the Congress of the United States. The law of 1850, on the contrary, committed the choice between free and slave institutions in New Mexico and Utah—Territories acquired from Mexico nearly fifty years afterward-to the interested cupidity or the caprice of their earliest and accidental occupants. Free Institutions and Slave Institutions are equal, but the interested cupidity of the pioneer is a wiser arbiter, and his judgment a sum safeguard, than the collective wisdom of the American People and the most solemn and time-honored statute of the American Congress. Therefore, let the law of freedom in the territory acquired from France be now annulled and abrogated, and let the fortunes and fate of Freedom and Slavery, in the region acquired from France, be, henceforward and forever, determined by the votes of some seven hundred camp followers around Fort Leavenworth, and the still smaller number of trappers, Government schoolmasters, and mechanics, who attend the Indians in their seasons of rest from hunting in the passes of the Rocky Mountains. Sir, this syllogism may satisfy you and other Senators; but as for me, I must be content to adhere to the earlier system. Stare super antiquas vias.

There is yet another difficulty in this new theory. Let it be granted that, in order w

carry out a new principle recently adopted in New Mexico, you can supplant a compromise in Nebraska, yet there is a maxim of public law which forbids you from supplanting that compromise, and establishing a new system there, until you first restore the parties in interest there to their statu quo before the compromise to be supplanted was established. First, then. remand Missouri and Arkansas back to the unsettled condition, in regard to slavery, which they held before the Compromise of 1820 was enacted, and then we will hear you talk of rescinding that Compromise. You cannot do You ought not to do it, if you could; and because you cannot and ought not to do it. you cannot, without violating law, justice, equity, and honor, abrogate the guarantee of freedom in Nebraska.

There is still another and not less serious difficulty. You call the Slavery laws of 1850 a compromise between the slaveholding and non-slaveholding States. For the purposes of this argument, let it be granted that they were such a compromise. It was nevertheless a compromise concerning slavery in the Territo-ries acquired from Mexico, and by the letter of the compromise it extended no further. Can you now, by an act which is not a compromise between the same parties, but a mere ordinary law, extend the force and obligation of the principles of that Compromise of 1850 into regions not only excluded from it, but absolutely protected from your intervention there by a solemn Compromise of thirty years' duration, and invested with a sanctity scarcely inferior to that which hallows the Constitution itself?

Can the Compromise of 1850, by a mere ordinary act of legislation, be extended beyond the plain, known, fixed intent and understanding of the parties at the time that contract was made, and yet be binding on the parties to it, not merely legally, but in honor and conscience? Can you abrogate a compromise by passing any law of less dignity than a compromise? If so, of what value is any one or the whole of the Compromises? Thus you see that these bills violate both of the Compromises-not more that of 1820 than that of 1850.

Will you maintain in argument that it was understood by the parties interested throughout the country, or by either of them, or by any representative of either, in either House of Congress, that the principle then established should extend beyond the limits of the territories acquired from Mexico, into the territories acquired nearly fifty years before, from France, and then reposing under the guarantee of the Compromise of 1820? I know not how Senators may vote, but I do know what they will say. I appeal to the honorable Senator from Michigan, [Mr. Cass,] than whom none performed a more distinguished part in establish-

intended or understood. I appeal to the honorable and distinguished Senator, the senior representative from Tennessee, [Mr. Bell,] who performed a distinguished part also. Did he so understand the Compromise of 1850? He is silent. I appeal to the gallant Senator from Illinois? [Mr. SHIELDS.] He, too, is silent. now throw my gauntlet at the feet of every Senator now here, who was in the Senate in 1850, and challenge him to say that he then knew, or thought, or dreamed, that, by enacting the Compromise of 1850, he was directly or indirectly abrogating, or in any degree impairing, the Missouri Compromise? No one takes it up. I appeal to that very distinguished-nay, sir, that expression falls short of his eminence-that illustrious man, the Senator from Missouri, who led the opposition here to the Compromise of 1850. Did he understand that that Compromise in any way overreached or impaired the Compromise of 1820? Sir, that distinguished person, while opposing the combination of the several laws on the subject of California and the Territories, and Slavery, together, in one bill, so as to constitute a Compromise, nevertheless voted for each one of those bills, severally; and in that way, and that way only, they were passed. Had he known or understood that any one of them overreached and impaired the Missouri Compromise, we all know he would have perished before he would have given it his support.

Sir, if it was not irreverent, I would dare to call up the author of both of the Compromises in question, from his honored, though yet scarcely grass-covered grave, and challenge any advocate of this measure to confront that imperious shade, and say that, in making the Compromise of 1850, he intended or dreamed that he was subverting, or preparing the way for a subversion of, his greater work of 1820. Sir, if that eagle spirit is yet lingering here over the scene of his mortal labors, and watching over the welfare of the Republic he loved so well, his heart is now moved with more than human indignation against those who are perverting his last great public act from its legitimate uses, not merely to subvert the column, but to wrench from its very bed the base of the column that perpetuates his fame.

And that other proud and dominating Senator, who, sacrificing himself, gave the aid without which the Compromise of 1850 could not have been established-the Statesman of New England, and the Orator of Americawho dare assert here, where his memory is yet fresh, though his unfettered spirit may be wandering in spheres far hence, that he intended to abrogate, or dreamed that, by virtue of or in consequence of that transaction, the Missouri Compromise would or could ever be abrogated? The portion of the Missouri Compromise you propose to abrogate is the Ordi-nance of 1787 extended to Nebraska. Hear ing the Compromise of 1850, whether he so what Daniel Webster said of that Ordinance itself, in 1830, in this very place, in reply to one who had undervalued it and its author:

"I spoke, sir, of the Ordinance of 1787, which prohibits slavery, in all future time, nerthwest of the Ohio, as a measure of great wisdom and forethought, and one which has been attended with highly beneficial and permanent consequences."

And now hear what he said here, when advocating the Compromise of 1850:

"I now say, sir, as the proposition upon which I stand this day, and upon the truth and firmness of which I intend to act until it is overthrown, that there is not at this moment in the United States, on any Territory of the United States, one sing, efoot of land, the character of which, in regard to its being free territory or slave territory, is not faced by some law, and some IRREFEALABLE law beyond the power of the action of this Government."

What irrepealable law, or what law of any kind, fixed the character of Nebraska as free or slave territory, except the Missouri Compro-

mise act?

And now hear what Daniel Webster said when vindicating the Compromise of 1850, at Buffalo, in 1851:

"My opinion remains unchanged, that it was not the constitution to admit new States out of foreign territory; and for one, whatever may be said at the Syrzeuse Convention or any other assemblage of insane persons. I never would consent, and never have consented, that there should be one foot of slave territory beyond what the old thirteen States had at the time of the formation of the Union! Never! Never!

"The man cannot show his face to me and say he can prove that I ever departed from that doctrine. He would snoak away, and slink away, or hire a mercenary press to cry out. What an apostate from Liberty Daniel Webster has become! But he knows himself to be a hypocrite and a falsifier."

That Compromise was forced upon the slaveholding States and upon the non-slaveholding States as a mutual exchange of equiva-lents. The equivalents were accurately defined, and carefully scrutinized and weighed by the respective parties, through a period of eight The equivalents offered to the nonslaveholding States were: 1st, the admission of California; 2d, the abolition of the public slave trade in the District of Columbia. These, and these only, were the boons offered to them, and the only sacrifices which the slaveholding States were required to make. The waiver of the Wilmot Proviso in the incorporation of New Mexico and Utah, and a new fugitive slave law, were the only boons proposed to the slaveholding States, and the only sacrifices exacted of the non-slaveholding States. No other questions between them were agitated, except those which were involved in the gain or loss of more or less of free territory or of slave territory in the determination of the boundary between Texas and New Mexico, by a line that was at last arbitrarily made, expressly saving, even in those Territories, to the respective parties, their respective shares of free soil and slave soil, according to the articles of annexation of the Republic of Texas. Again: There were alleged to be five open, bleeding wounds in the Federal system, and no more. which needed surgery, and to which the Compromise of 1850 was to be a cataplasm. all know what they were : California without a Constitution; New Mexico in the grasp of military power; Utah neglected; the District of Columbia dishonored; and the rendition of fugitives denied. Nebraska was not even thought of in this catalogue of national ills. And now, sir, did the Nashville Convention of secessionists understand that, besides the enumerated boons offered to the slaveholding States, they were to have also the obliteration of the Missouri Compromise line of 1820? If they did, why did they reject and scorn and scout at the Compromise of 1850? Did the Legislatures and public assemblies of the nonslaveholding States, who made your table groan with their remonstrances, understand that Nebraska was an additional wound to be healed by the Compromise of 1850? If they did, why did they omit to remonstrate against the healing of that, too, as well as of the other five, by the cataplasm, the application of which they resisted so long?

Again: Had it been then known that the Missouri Compromise was to be abolished. directly or indirectly, by the Compronise of 1850, what Representative from a non-slaveholding State would, at that day, have voted for it? Not one. What Senator from a slaveholding State would not have voted for it? Not So entirely was it then unthought of that the new Compromise was to repeal the Missouri Compromise line of 36 deg. 30 min., in the region acquired from France, that one half of that long debate was spent on propositions made by Representatives from slaveholding States, to extend the line further on through the new territory we had acquired so recently from Mexico, until it should disappear in the waves of the Pacific Ocean, so as to secure actual toleration of slavery in all of this new territory that should be south of that line; and these propositions were resisted strenuously and successfully to the last by the Representatives of the non-slaveholding States, in order, if it were possible, to save the whole of those regions for the theatre of free labor.

I admit that these are only negative proofs, although they are pregnant with conviction. But here is one which is not only affirmative, but positive, and not more positive than conclusive:

In the fifth section of the Texas Boundary bill, one of the acts constituting the Compromise of 1850, are these words:

"Provided, That nothing herein centained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the numher of States that may hereafter be formed out of the State of Yexa, or otherwise.

What was that third article of the second

section of the joint resolution for annexing Texas? Here it is:

"New States, of convenient size, not exceeding four insumber, in addition to said State of Texas, having afficient population, may hereafter, by the consent of said States, be formed out of the territory thereof, which shall be outlitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 86 deg. 80 min. north altitude, comm may known as the Missouri Compromise line, and the said that the said territory admission have desired. And in such State or States as shall be thread out of said territory north of said Missouri Compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

This article saved the Compromise of 1820, in express terms, overcoming any implication, of its abrogation, which might, by accident or otherwise, have crept into the Compromise of 1850; and any inferences to that effect, that might be drawn from any such circumstance as that of drawing the boundary line of Utah 50 ax to trespass on the Territory of Nebraska, dwelt upon by the Senator from Illinois.

The proposition to abrogate the Missouri Compromise, being thus stripped of the presence that it is only a reiteration or a reaffirmation of a similar abrogation in the Compromise of 1850, or a necessary consequence of that measure, stands before us now upon its own

merits, whatever they may be.

But here the Senator from Illinois challenges the assailants of these bills, on the ground that they were all opponents of the Compromise of 1850, and even of that of 1820. Sir, it is not my purpose to answer in person to this chal-The necessity, reasonableness, justice, and wisdom of those Compromises, are not in question here now. My own opinions on them were, at a proper time, fully made known. labide the judgment of my country and mankind upon them. For the present, I meet the Committee who have brought this measure forward, on the field they themselves have chosen, and the controversy is reduced to two questions: 1st. Whether, by letter or spirit, the Compromise of 1820 abrogated or involved a future abrogation of the Compromise of 1820? 2d. Whether this abrogation can now be made consistently with honor, justice, and good faith? As to my right, or that of any other Senator, to enter these lists, the credentials filed in the Secretary's office settle that question. Mine bear a seal, as broad and as firmly fixed there as any other, by a people as wise, as free, and is great, as any one of all the thirty-one Republics represented here.

But I will take leave to say, that an argument merely ad personam, seldom amounts to mything, more than an argument ad captandam. A life of approval of compromises, and of devotion to them, only enhances the obligation faithfully to fulfil them. A life of disapprobation of the policy of compromises only menders one more earnest in exacting fulfilment

of them, when good and cherished interests are secured by them.

Thus much for the report and the bills of the Committee, and for the positions of the parties in this debate. A measure so bold, so unlooked for, so startling, and yet so pregnant as this, should have some plea of necessity. there any such necessity? On the contrary, it is not necessary now, even if it be altogether wise, to establish Territorial Governments in Nebraska. Not less than eighteen tribes of Indians occupy that vast tract, fourteen of which, I am informed, have been removed there by our own act, and invested with a fee simple to enjoy a secure and perpetual home, safe from the intrusion and the annoyance, and even from the presence of the white man, and under the paternal care of the Government, and with the instruction of its teachers and mechanics, to acquire the arts of civilization and the habits of social life. I will not say that this was done to prevent that Territory, because denied to slavery, from being occupied by free white men, and cultivated with free white labor; but I will say, that this removal of the Indians there, under such guarantees, has had that effect. The Territory cannot be occupied now any more than heretofore, by savages and white men, with or without slaves, together. Our experience and our Indian policy alike remove all dispute from this point. Either these preserved ranges must still remain to the Indians hereafter, or the Indians, whatever temporary resistance against removal they may make, must retire.

Where shall they go? Will you bring them back again across the Mississippi? There is no room for Indians here. Will you send them northward, beyond your Territory of Nebraska, towards the British border? That is already occupied by Indians; there is no room there. Will you turn them loose upon Texas and New Mexico? There is no room

Will you drive them over the Rocky mountains? They will meet a tide of immigration there flowing into California from Europe and from Asia. Whither, then, shall they, the dispossessed, unpitied heirs of this vast continent, go? The answer is, numbers. If they remain in Nebraska, of what use are your Charters? Of what hurm is the Missouri Compromise in Nebraska, in that case? Whom doth it oppress? No one.

Who, indeed, demands territorial organization in Nebraska at all? The Indians? No. It is to them the consumnation of a long-apprehended doom. Practically, no one demands it. I am told that the whole white population, scattered here and there throughout these broad regions, exceeding in extent the whole of the inhabited part of the United States at the time of the Revolution, is less than fifteen hundred, and that these are chiefly trappers, missionaries, and a few mechanics and agents employed by the Government, in connection with the administration of Indian affairs, and other persons temporarily drawn around the post of Fort Leavenworth. It is clear, then, that this abrogation of the Missouri Compromise is not necessary for the purpose of establishing Territorial Governments in Nebraska, but that, on the contrary, these bills, establishing such Governments, are only a vehicle for carrying, or a pretext for carrying, that act of

abrogation. It is alleged, that the non-slaveholding States have forfeited their rights in Nebraska, under the Missouri Compromise, by first breaking that Compromise themselves. The argument is, that the Missouri Compromise line of 36 deg. 30 min., in the region acquired from France, although confined to that region which was our westernmost possession, was, nevertheless, understood as intended to be prospectively applied also to the territory reaching thence westward to the Pacific Ocean, which we should afterwards acquire from Mexico; and that when afterwards, having acquired these Territories, including California, New Mexico, and Utah, we were engaged in 1848 in extending Governments over them, the free States refused to extend that line, on a proposition to that effect made by the honorable Sen-

ator from Illinois.

It need only be stated, in refutation of this argument, that the Missouri Compromise law, like any other statute, was limited by the extent of the subject of which it treated. This subject was the Territory of Louisiana, acquired from France, whether the same were more or less, then in our lawful and peaceful possession. The length of the line of 36 deg. 30 min, established by the Missouri Compromise, was the distance between the parallels of longitude which were the borders of that possession. Young America-I mean aggrandizing, conquering America-had not yet been born; nor was the statesman then in being, who dreamed that, within thirty years afterwards, we should have pushed our adventurous way, not only across the Rocky Mountains, but also across the Snowy Mountains. Nor did any one then imagine, that even if we should have done so within the period I have named, we were then prospectively carving up and dividing, not only the mountain passes, but the Mexican Empire on the Pacific coast, between Freedom and Slavery. If such a proposition had been made then, and persisted in, we know enough of the temper of 1820 to know this, viz: that Missouri and Arkansas would have stood outside of the Union until even this portentous day.

The time, for aught I know, may not be thirty years distant, when the convulsions of the Celestial Empire and the decline of British sway in India shall have opened our way into the regions beyond the Pacific Ocean. I desire to know now and be fully certified of the geo-

graphical extent of the laws we are now pass ing, so that there may be no such mistake here after as that now complained of here. We are now confiding to Territorial Legislatures the power to legislate on slavery. Are the Territories of Nebraska and Kansas alone within the purview of these acts? Or do they reach to the Pacific coast, and embrace also Oregon and Washing. ton? Do they stop there, or do they take in China and India and Affghanistan, even to the gigantic base of the Himalaya Mountains? Do they stop there, or, on the contrary, do they encircle the earth, and, meeting us again on the Atlantic coast, embrace the islands of Iceland and Greenland, and exhaust themselves on the barren coasts of Greenland and Labrador?

Sir, if the Missouri Compromise neither in its spirit nor by its letter extended the line of 36 deg. 30 min. beyond the confines of Louisiana, or beyond the then confines of the United States, for the terms are equivalent, then it was no violation of the Missouri Compromise in 1848 to refuse to extend it to the subsequently acquired possessions of Texas, New Mexico, and California.

But suppose we did refuse to extend it; how did that refusal work a forfeiture of our vested rights under it? I desire to know that.

Again: If this forfeiture of Nebraska 00curred in 1848, as the Senator charges, how does it happen that he not only failed in 1850, when the parties were in court here, adjusting their mutual claims, to demand judgment against the free States, but, on the contrary, even urged that the same old Missouri Compromise line, yet held valid and sacred, should be extended through to the Pacific Ocean?

I come now to the chief ground of the defence of this extraordinary measure, which is that it abolishes a geographical line of division between the proper fields of free labor and slave labor, and refers the claim between them to the people of the Territories. Even if this great change of policy was actually wise and neces sary, I have shown that it is not necessary if make it now, in regard to the Territory of Ne braska. If it would be just elsewhere, it would be unjust in regard to Nebraska, simply because for ample and adequate equivalents, fully received, you have contracted in effect not to abolish that line there.

But why is this change of policy wise of necessary? It must be because either that the extension of slavery is no evil, or because you have not the power to prevent it at all, or be cause the maintenance of a geographical lin

is no longer practicable.

I know that the opinion is sometimes at vanced, here and elsewhere, that the extension of slavery, abstractly considered, is not an evil but our laws prohibiting the African slave trad are still standing on the statute book, and ex press the contrary judgment of the America Congress and of the American People. I pas on, therefore, from that point.

Sir. I do not like, more than others, a georaphical line between Freedom and Slavery. but it is because I would have, if it were posble, all our territory free. Since that cannot e, a line of division is indispensable; and any me is a geographical line.

The honorable and very acute Senator from North Carolina [Mr. BADGER] has wooed us nost persuasively to waive our objections to the new principle, as it is called, of non-intervenion, by assuring us that the slaveholder can limates favor the culture of tobacco, cotton, ice, and sugar. To which I reply: None of hese find congenial soils or climates at the ources of the Mississippi, or in the valley of he Rocky Mountains. Why, then, does he want to remove the inhibition there?

But again: That Senator reproduces a pleasno fiction of the character of slavery from the lewish history, and asks, Why not allow the modern patriarchs to go into new regions with heir slaves, as their ancient prototypes did, to make them more comfortable and happy? and he tells us, at the same time, that this inulgence will not increase the number of slaves. reply by asking, first, Whether slavery has ver a larger surface than it formerly covred? Will the Senator answer that? Secondr, I admire the simplicity of the patriarchal mes. But they nevertheless exhibited some eculiar institutions quite incongruous with odern Republicanism, not to say Christianity, amely, that of a latitude of construction of the parriage contract, which has been carried by me class of so-called patriarchs into Utah. Cerinly, no one would desire to extend that pecuar institution into Nebraska. Thirdly, slaveolders have also a peculiar institution, which wakes them *political* patriarchs. They reckon we of their slaves as equal to three freemen in brming the basis of Federal representation. If bese patriarchs insist upon carrying their intitution into new regions, north of 36 deg. 30 oin., I respectfully submit, that they ought to assume the modesty of their Jewish prede-assors, and relinquish this political feature of he system they thus seek to extend. Will ey do that?

Some Senators have revived the argument at the Missouri Compromise was unconstituonal. But it is one of the peculiarities of ompromises, that constitutional objections, like others, are buried under them by those who ake and ratify them, for the obvious reason hat the parties at once waive them, and reeive equivalents. Certainly, the slaveholding tates, which waived their constitutional obctions against the Compromise of 1820, and cepted equivalents therefor, cannot be allowed revive and offer them now as a reason for reusing to the non-slaveholding States their this under that Compromise, without first storing the equivalents which they received

on condition of surrendering their constitutional

objections.

For argument's sake, however, let this reply be waived, and let us look at this constitutional objection. You say that the exclusion of slavery by the Missouri Compromise reaches through and beyond the existence of the region organized as a Territory, and prohibits slavery FOREVER, even in the States to be organized out of such Territory, while, on the contrary, the States, when admitted, will be sovereign. and must have exclusive jurisdiction over slavery for themselves. Let this, too, be granted, But Congress, according to the Constitution, "may admit new States." If Congress may admit, then Congress may also refuse to admitthat is to say, may reject new States. The greater includes the less; therefore, Congress may admit, on condition that the States shall exclude slavery. If such a condition should be accepted, would it not be binding?

It is by no means necessary, on this occasion, to follow the argument further to the question. whether such a condition is in conflict with the constitutional provision, that the new States received shall be admitted on an equal footing with the original States, because, in this case, and at present, the question relates not to the admission of a State, but to the organization of a Territory, and the exclusion of slavery within the Territory while its status as a Territory shall continue, and no further. Congress has power to exclude slavery in Territories, if they have any power to create, control, or govern Territories at all, for this simple reason: that find the authority of Congress over the Territories wherever you may, there you find no exception from that general authority in favor of slavery. If Congress has no authority over slavery in the Territories, it has none in the District of Columbia. If, then, you abolish a law of Freedom in Nebraska, in order to establish a new policy of abnegation, then true consistency requires that you shall also abolish the Slavery laws in the District of Columbia, and submit the question of the toleration of slavery within the District to its inhabitants.

If you reply, that the District of Columbia has no local or Territorial Legislature, then I rejoin, so also has not Nebraska, and so also has not Kansas. You are calling a Territorial Legislature into existence in Nebraska, and another in Kansas, to assume the jurisdiction on the subject of slavery, which you renounce. Then consistency demands that you call into existence a Territorial Legislature in the District of Columbia, to assume the jurisdiction here, which you must also renounce. Will you do this? We shall see.

To come closer to the question: What is this principle of abnegating National authority, on the subject of slavery, in favor of the People? Do you abnegate all authority, whatever, in the Territories? Not at all; you abnegate only authority over slavery there. Do you abnegate

even that? No; you do not and you cannot. In the very act of abnegating you legislate, and enact that the States to be hereafter organized shall come in whether slave or free, as their inhabitants shall choose. Is not this legislating not only on the subject of slavery in the Territories, but on the subject of slavery even in the future States? In the very act of abnegating, you call into being a Legislature which shall assume the authority which you are renouncing. You not only exercise authority in that act, but you exercise authority over slavery, when you confer on the Territorial Legislature the power to act upon that subject. More than this: In the very act of calling that Territorial Legislature into existence, you exercise authority in prescribing who may elect and who may be elected. You even reserve to yourselves a veto upon every act that they can pass as a legislative body, not only on all other subects, but even on the subject of slavery itself. Nor can you relinquish that veto; for it is absurd to say that you can create an agent, and depute to him the legislative authority of the United States, which agent you cannot at your own pleasure remove, and whose acts you cannot at your own pleasure disavow and repudi-The Territorial Legislature is your agent. Its acts are your own. Such is the principle that is to supplant the ancient policy-a principle full of absurdities and contradictions.

Again: You claim that this policy of abnegation is based upon a democratic principle. A democratic principle is a principle opposed to some other that is despotic or aristocratic. You claim and exercise the power to institute and maintain government in the Territories. Is this comprehensive power aristocratic or despotic? If it be not, how is the partial power aristocratic or despotic? You retain authority to appoint Governors, without whose consent no laws can be made on any subject, and Judges, without whose consideration no laws can be executed, and you retain the power to change them at pleasure. Are these powers, also, aristocratic or despotic? If they are not, then the exercise of legislative power by yourselves is not. If they are, then why not renounce them also? No, no. This is a far-fetched Democracy is a simple, uniform, logical system, not a system of arbitrary, con-

But you must nevertheless renounce National authority over slavery in the Territories, while you retain all other powers. What is this but a mere evasion of solemn responsibilities? The general authority of Congress over the Territories is one wisely confided to the National Legislature, to save young and growing communities from the dangers which beset them in their state of pupilage, and to prevent them from adopting any policy that shall be at war the from adopting any policy that shall be at we that the general welfare of the whole Republic.

The have a prevention of their Republic and and such as a proposed to the reconsider of an experience of a proposed to the reconsider of their Republic and an extending the reconsider of an experience of the reconsider of an experience of the proposed to the reconsider of an experience of the proposed to the reconsider of an experience of the proposed to the reconsider of their Republic and their Republic and their Republic of an experience of the proposed to the proposed to the reconsider of their Republic and their Republic of an experience of their Republic and their Republic of an experience, which is the proposed to the proposed to the reconsider of an experience of the proposed to the reconsider of their Republic and their Republic of an experience, and the reconsider of their Republic and their Republic of an experience, and the reconsider of their Republic of an experience, and the reconsider of the reconsider of their Republic and their Republic and their Republic of an experience, and the reconsider of the proposed of the reconsider of the reconsider of the reconsider of the reconsider.

which ought to be renounced last of all, in favor of Territorial Legislatures, because, finding the very circumstances of the Territories, those Legislatures are likely to yield too readily to pelhemeral influences, and interested offers of favor and patronage. They see neither the great Future of the Territories, nor the comprehensive and ultimate interests of the whole Republic, as clearly as you see them, or ought to see them.

I have heard sectional excuses given for supporting this measure. I have heard Senators from the slaveholding States say that they ought not to be expected to stand by the nonslaveholding States, when they refuse to stand by themselves; that they ought not to be expected to refuse the boon offered to the slaveholding States, since it is offered by the nonslaveholding States themselves. I not only confess the plausibility of these excuses, but I feel the justice of the reproach which they imply against the non-slaveholding States, as far as the assumption is true. Nevertheless. Senators from the slaveholding States must consider well whether that assumption is in any considerable degree, founded in fact. If one or more Senators from the North decline to stand by the non-slaveholding States, or offer a boon in their name, others from that region do, nevertheless, stand firmly on their rights, and protest against the giving or the acceptance of the boon. It has been said that the North does not speak out, so as to enable you to decide between the conflicting voices of her Representatives. Are you quite sure you have given her timely notice? Have you not, on the contrary, hurried this measure forward, to anticipate her awaking from the slumber of conscious security into which she has been lulled by your last Compromise? Have you not heard already the quick, sharp protest of the Legislature of the smallest of the nonslaveholding States, Rhode Island? Have you not already heard the deep-toned and earnest protest of the greatest of those States, New York? Have you not already heard remonstrances from the Metropolis, and from the rural districts? Do you doubt that this is only the rising of the agitation that you profess to believe is at rest forever? Do you forget that, in all such transactions as these, the people have a reserved right to review the acts of their Representatives, and a right to demand a reconsideration; that there is in our legislative practice a form of RE-ENACTMENT, as well as an act of repeal; and that there is in our political system provision not only for abrogation, but for RESTORATION also? And when the process of repeal has begun, how many and what laws will be open to repeal, equally with the Missouri Compromise? There will be this act, the fugitive slave laws, the articles of Texas annexation, the Territorial laws of New Mexico and Utah, the slavery laws in the District of

Senators from the slaveholding States: You are politicians as well as statesmen. Let me remind you, therefore, that political movements in this country, as in all others, have their times of action and reaction. The pendulum moved up the side of freedom in 1840, and swung back again in 1844 on the side of slavery, traversed the dial in 1848, and touched even the mark of the Wilmot Proviso, and returned again in 1852, reaching even the height of the Baltimore Platform. Judge for yourselves whether it is yet ascending, and whether it will attain the height of the abrogation of the Missouri Compromise. That is the mark you are fixing for it. For myself, I may claim to know something of the North. I see in the changes of the times only the vibrations of the needle, trembling on its pivot. I know that in due time it will settle; and when it shall have settled it will point, as it must point forever, to the same constant polar star, that sheds down influences propitious to freedom as broadly as it pours forth its mellow but invigorating light.

Mr. President, I have nothing to do, here or elsewhere, with personal or party motives. But I come to consider the motive which is publicly assigned for this transaction. It is a desire to secure permanent peace and harmony on the subject of slavery, by removing all occasion for its future agitation in the Federal Legislature. Was there not peace already here? there not harmony as perfect as is ever possible in the country, when this measure was moved in the Senate a month ago? Were we not, and was not the whole nation, grappling with that one great, common, universal interest, the opening of a communication between our ocean frontiers, and were we not already reckoning upon the quick and busy subjugation of nature throughout the interior of the continent to the uses of man, and dwelling with almost rapturous enthusiasm on the prospective enlargement of our commerce in the East, and of our political sway throughout the world? what have we now here but the oblivion of death covering the very memory of those great enterprises, and prospects, and hopes?

Senators from the non-slaveholding States; you want peace. Think well, I beseech you, before you yield the price now demanded, even for peace and rest from slavery agitation. France has got peace from Republican agitation by a similar sacrifice. So has Poland; so has Hungary; and so, at last, has Ireland. Is the peace which either of those nations enjoys worth the price it cost? Is peace, obtained at

such cost, ever a lasting peace?
Senators from the slaveholding States: You, too, suppose that you are securing peace as well as victory in this transaction. I tell you now, as I told you in 1850, that it is an error, an unnecessary error, to suppose, that because you exclude slavery from these Halls to-day, that it will not revisit them to-morrow. You buried the Wilmot Proviso here then, and cele-

brated its obsequies with pomp and revelry. And here it is again to-day, stalking through these Halls, clad in complete steel as before. Even if those whom you denounce as factionists in the North would let it rest, you yourselves must evoke it from its grave. The reason is obvious. Say what you will, do what you will, here, the interests of the non-slaveholding States and of the slaveholding States remain just the same; and they will remain just the same, until you shall cease to cherish and defend slavery, or we shall cease to honor and love freedom! You will not cease to cherish slavery. Do you see any signs that we are becoming indifferent to freedom? On the contrary, that old, traditional, hereditary sentiment of the North is more profound and more universal now than it ever was before. slavery agitation you deprecate so much is an eternal struggle between Conservatism and Progress, between Truth and Error, between Right and Wrong. You may sooner, by act of Congress, compel the sea to suppress its upheavings, and the round earth to extinguish its internal fires, than oblige the human mind to cease its inquirings, and the human heart to desist from its throbbings.

Suppose then, for a moment, that this agitation must go on hereafter as heretofore. Then, hereafter as heretofore, there will be need, on both sides, of moderation; and to secure moderation, there will be need of mediation. Hitherto you have secured moderation by means of compromises, by tendering which, the great Mediator, now no more, divided the people of the North. But then those in the North who did not sympathize with you in your complaints of aggression from that quarter, as well as those who did, agreed that if compromises should be effected, they would be chivalrously kept on your part. I cheerfully admit that they have been so kept until now. But hereafter, when having taken advantage, which in the North will be called fraudulent, of the last of those compromises, to become, as you will be called, the aggressors, by breaking the other, as will be alleged, in violation of plighted faith and honor, while the slavery agitation is rising higher than ever before, and while your ancient friends, and those whom you persist in regarding as your enemies, shall have been driven together by a common and universal sense of your injustice, what new mode of restoring peace and harmony will you then propose? What Statesman will there be in the South, then, who can bear the flag of truce? Statesman in the North who can mediate the acceptance of your new proposals? I think it will not be the Senator from Illinois.

If, however, I err in all this, let us suppose that you succeed in suppressing political agitation of slavery in National affairs. Nevertheless, agitation of slavery must go on in some form; for all the world around you is engaged in it. It is, then, high time for you to consider where you may expect to meet it next. I much mistake if, in that case, you do not meet it there where we, who once were slaveholding States, as you now are, have met, and, happily for us, succumbed before it-namely, in the legislative halls, in the churches and schools, and at the fireside, within the States themselves. It is an angel of mercy with which sooner or later every slaveholding Statemust wrestle, and by which it must be overcome. Even if, by reason of this measure, it should the sooner come to that point, and although I am sure that you will not overcome freedom, but that freedom will overcome you, yet I do not look even then for disastrous or unhappy results. The institutions of our country are so framed, that the inevitable conflict of opinion on slavery, as on every other subject, cannot be otherwise than peaceful in its course and beneficent in its termina-

Nor shall I "bate one jot of heart or hope," in maintaining a just equilibrium of the non-slaveholding States, even if this ill-starred measure shall be adopted. The non-slaveholding States are teeming with an increase of freemen—educated, vigorous, enlightened, enterprising freemen—such freemen as neither England, nor Rome, nor even Athens, ever reared. Half a million of freemen from Europe annually augment that increase; and, ten years hence half a million, twenty years hence a million, of freemen from Asia will augment still more. You may obstruct, and so turn the

direction of those peaceful armies away from No. braska. So long as you shall leave them room on hill or prairie, by river side or in the mountain fastnesses, they will dispose of themselves peacefully and lawfully in the places you shall have left open to them; and there they will erect new States upon free soil, to be forever maintained and defended by free arms, and aggrandized by free labor. American slavery, I know, has a large and ever-flowing spring, but it cannot pour forth its blackened tide in volumes like that I have described. If you are wise, these tides of freemen and of slaves will never meet, for they will not voluntarily commingle; but if, nevertheless, through your own erroneous policy, their repulsive currents must be directed against each other, so that they needs must meet, then it is easy to see, in that case, which of them will overcome the resistance of the other, and which of them, thus overpowered, will roll back to drown the source which sent it forth.

"Man proposes, and God disposes." You may legislate and abrogate and abrogate and abrogate are you will; but there is a Superior Power that overrules all your actions, and all your refusals to act; and, I fondly hope and trust, overrules them to the advancement of the happines, greatness, and glory of our country—that overrules, I know, not only all your actions, and all your refusals to act, but all human events, to the distant, but inevitable result of the equal

and universal liberty of all men.

GREAT SPEECH



HON. WILLIAM H. SEWARD,

AGAINST THE LECOMPTON CONSTITUTION,

IN SENATE, MARCH 3d, 1858.

[We publish this morning Governor Seward's masterpiece complete. The Senator's Washington friends pronounce it the greatest effort of his life. It is the production of a great mind, and adds a cubit to the stature of the great statesman. During the delivery, the Southern Senators paid closer attention to his arguments, and greater deference to the speaker, than they ever before exhibited. At an early hour the lobbies and galleries were throughd with distinguished persons and ladies. The floor of the Senate was crowded with members of the house and of the diplomatic corps.

The first half of the speech is historical; it is a graphic and powerful review of the great Slave and Free State struggle, from the days of the Revolution to the opening of Buchanan's Administration, described in language equal to Macaulay's best effort, for beauty, strength and clearness of diction. The Senator's glance at the Dred Scott jugglery is withering and overwhelming. The conclusion of his argument is truly majestic. We can say with a cotemporary, "We think no one can raise from its careful perusal without a higher estimate of its author, and a profounder appreciation of the great cause of Liberty in Labor which has enlisted his noblest energies, and is now arousing the enthusiasm of the country."—Chicago Tribune, March 9.]

Mr. President:

MR. PRESIDENT: Eight years ago we slew the Wilmot Proviso in the Senate Chamber, and buried it with triumphant demonstrations under the floors of the Capitol. Four years later, we exploded altogether the timehonored system of governing the Territories by Federal rules and regulations, and published and proclaimed in its stead, a new gospel of popular sovereignty, whose ways, like those of wisdom, were to be ways of pleasantness, and all of whose paths were supposed to be flowery paths of peace. Never eless the question whether there shall be Slavery or no Slavery in the Territories, is again the stirring passage of the day. The restless Proviso has burst the cerements of the grave, and, striking hands here in our very presence with the gentle spirit of popular sovereignty run mad, is seen raging freely in our halls, scattering dismay among the Administration Thus an old unwelcome lesson is read to us benches in both Houses. anew. The question of Slavery in the Federal Territories, which are the nurseries of future States, independently of all its moral and humane elements, involves a dynastical struggle of two antagonistical systems, the labor of slaves and the labor of freemen, for mastery in the Federal Union. One of these systems partakes of an aristocratic character; the other is purely democratic. Each one of the existing States has staked, or it will ultimately, not only its internal welfare, but also its influence in the Federal councils, on the decision of that contest. Such a struggle is not to be arrested, quelled or reconciled by temporary expedients or compromises.

Mr. President, I always engage reluctantly in these discussions, which awaken passion just in the degree that their importance demands the impartial This reluctance deepens now, when I look around, umpirage of reason. and count the able contestants who have newly entered the lists on either side, and shadowy forms of many great and honored statesmen, who once were eloquent in these disputes, but whose tongues have since become stringless instruments, rise up before me. It is, however, a maxim in military science, that in preparation for war, every one should think as if the last event depended on his counsel, and in every great battle each one should fight as if he were the only champion. The principle, perhaps, is equally sound in political affairs. If it be possible, I shall perform my present duty in such a way as to wound no just sensibilities. I must, however, review the action of Presidents, Senates and Congresses. I do, indeed, with all my heart, reject the instructions given by the Italian master of political science, which teaches that all men are bad by nature, and that they will not fail to show this depravity when they have a fair opportunity. But jealousy of executive power is high, practical virtue in Republics; and we shall find it hard to deny the justice of the character of free legislative bodies, which Charles James Fox drew, when he said that the British House of Commons, of which he was at the moment equally an ornament and an idol, like every other popular assembly, must be viewed as a mass of men capable of too much attachment and too much animosity, capable of being biased by weak and even wicked motives, and liable to be governed by ministerial influences, by caprice, and by corruption.

Mr. President, I propose to enquire, in the first place, why the question

before us is attended by real or apparent dangers.

I think our apprehensions are in part due to the intrinsic importance of the transaction concerned. Whenever we add a new column to the Federal colonade, we need to lay its foundation so firmly, to shape its shaft with such just proportions, to poise it with such exactness, and to adjust its connections with the existing structure so carefully, that instead of falling prematurely, and dragging other and venerable columns with it to the ground, it may stand erect forever, increasing the grandeur and stability of the whole massive and imperial fabric. Still the admission of a new State is not necessarily or even customarily attended by either embarrassments or alarms. We have already admitted eighteen new States without serious commotions, except in the cases of Missouri, Texas and California. We are even now admitting two others, Minnesota and Oregon; and these transactions go on so smoothly, that only close observers are aware that we are thus consolidating our dominion on the shores of Lake Superior, and almost at the gates of the Arctic Ocean.

It is manifest that the apprehended difficulties in the present case have some relation to the dispute concerning Slavery, which is raging within the Territory of Kansas. Yet, it must be remembered that nine of the new States which have been admitted, expressly established Slavery, or tolerated it, and nine of them forbade it. The excitement, therefore, is due to peculiar circumstances. I think there are three of them, namely:

First. That whereas in the beginning, the ascendency of the Slave

States was absolute, it is now being reversed.

Second. That whereas, heretofore, the National Government favored this change of balance from the Slave States to the Free States, it has now reversed this policy and opposes the change.

Third. That National intervention in the Territories in favor of Slave-

labor and Slave States, is opposed to the natural, social and moral devel-

opements of the Republic.

It seems almost unnecessary to demonstrate the first of these propositions. In the beginning there were twelve Slave States, and only one that was free. Now, six of those twelve have become free; and there are sixteen Free States to fifteen Slave States. If the three candidates now here, Kansas, Minnesota and Oregon, shall be admitted as Free States, then there will be nineteen Free States to fifteen Slave States. Originally there were twenty-four Senators of Slave States, and only two of a Free State; now there are thirty-two Senators of Free States, and thirty of Slave States In the first Constitutional Congress the Slave States had fifty-seven Representatives, and the one Free State had only eight; now the Free States have one hundred and forty-four Representatives, while the Slave States have only ninety. These changes have happened in a period during which the Slave States have almost uninterruptedly exercised paramount influence in the Government, and notwithstanding the Constitution itself has opposed well-known checks to the relative increase of representation of Free States. I assume, therefore, the truth of my first proposition.

I suggested, sir, a second circumstance, namely: That whereas, in the earlier age of the Republic, the National Government favored this change, vet it has since altogether reversed that policy, and it now opposes the change. I do not claim that heretofore the National Government always, or even habitually, intervened in the Territories in favor of Free States, but only that such intervention preponderated. While Slavery existed in all of the States but one, at the beginning, yet it was far less intense in the Northern than in some of the Southern States. All of the former contemplated an early emancipation. The fathers seem not to have anticipated an enlargement of the national territory; consequently, they expected that all the new States to be thereafter admitted, would be organized upon subdivisions of the then existing States, or upon divisions of the then existing national domain. That domain lay behind the thirteen States, and stretched from the Lakes to the Gulf, and was bounded westward by the Mississippi. It was naturally divided by the Ohio River, and the Northwest Territory and the Southwest Territory were organized on that division. It was foreseen, even then, that the new States to be admitted would ultimately overbalance the thirteen original ones. They were, however, mainly to be yet planted and matured in the desert, with the agency of human labor.

The fathers knew only of two kinds of labor, the same which now exist among ourselves—namely, the labor of African slaves and the labor of freemen. The former then predominated in the country as it did throughout the continent. A confessed deficiency of slave labor could be supplied only by domestic increase, and by continuance of the then existing importation from Africa. The supply of free labor depended on domestic increase, and a voluntary immigration from Europe. Settlements which had thus early taken on a free labor character, or a slave character, were already maturing in those parts of the old States which were to be ultimately detached and formed into new States. When new States of this class were organized, they were admitted promptly, either as free States or as slave States, without objection. Thus Vermont, a free State, was admitted in 1791: Kentucky, a slave State, 1792; and Tennessee, also a slave State, in 1796. Five new States were contemplated to be creeted in the Northwest Territory, Practically it was unoccupied, and therefore open to labor of either

The one kind or the other, in the absence of any anticipated emulation, would predominate, just as Congress should intervene to favor it. Congress intervened in favor of free labor. This, indeed, was an act of the Continental Congress, but it was confirmed by the first Constitutional Con-The fathers simultaneously adopted three other measures of less direct intervention. First, they initiated in 1789, and completed in 1808. the absolute suppression of the African slave trade. Secondly, they organized systems of foreign commerce and navigation, which stimulated voluntary immigration from Europe.-Thirdly, they established an easy, simple and uniform process of naturalization. The change of the balance of power from the slave States to the free States, which we are now witnessing, is due chiefly to those four early measures of national intervention in favor of free labor. It would have taken place much sooner, if the borders of the Republic had remained unchanged. The purchase of Louisiana and the acquisition of Florida, however, were transactions resulting from high political necessities, in disregard of the question between free labor and slave la-In admitting the new State of Louisiana, which was organized on the slave labor settlement of New Orleans, Congress practiced the same neutrality which it had before exercised in the States of Kentucky and Ten-No serious dispute arose until 1819, when Missouri, organized within the former province of Louisiana, upon a slave labor settlement in St. Louis, applied for admission as a slave State, and Arkansas was manifestly preparing to appear soon in the same character. The balance of power between the slave States and the free States was already reduced to an equilibrium, and the eleven free States had an equal representation with the eleven slave States in the Senate of the United States. The slave States unanimously insisted on an unqualified admission of Missouri. The free States with less unanimity, demanded that the new State should renounce Slavery. The controversy seemed to shake the Union to its foundation, and it was terminated by a compromise. Missouri was admitted as a slave State, Arkansas, rather, by implication than by express agreement, was to be admitted, and and it was afterwards admitted, as a slave State. On the other hand, slavery was prohibited in all that part of the old province of Louisiana yet remaining unoccupied, which lay north of the parallel of 36° 30' north lati-The reservation for free labor included the immense region now known as the territories of Kansas and Nebraska, and seemed ample for eight, ten, or more, free States. The severity of the struggle and the conditions of the compromise, indicated very plainly, however, that the vigor of national intervention in favor of free labor and free States was exhaust-Still, the existing statutes were adequate to secure an ultimate ascendency of the free States.

dency of the free States. The policy of intervention in favor of slave labor and slave States began with the further removal of the borders of the Republic. I cheerfully admit that this policy has not been persistent or exclusive, and claim only that it has been and yet is predominant. I am not now to deplore the annexation of Texas, I remark simply that it was a bold measure, of doubtful constitutionality, distinctly adopted as an act of intervention in favor of slave labor, and made or intended to be most effective by the stipulation that the new State of Texas may hereafter be divided and so reorganized as to constitute five slave States. This great act cast a long shadow before it—a shadow which preplexed the people of the free States. It was then that a feeble social movement, which aimed by moral persuasion at the manumission of slaves, gave place to political organizations, which have ever

since gone on increasing in energy and extent, directed against a further extension of Slavery in the United States. The war between the United States and Mexico, and the acquisition of the Mexican provinces of New Mexico and Upper California, the fruits of that war, were so immediately and directly consequences of the annexation of Texas, that all of those events in fact may be regarded as constituting one act of intervention in favor of slave labor and slave States. The field of the strife between the two systems had become widely enlarged, Indeed, it was now continental. The amazing mineral wealth of California stimulated settlements there, with a rapidity like that of vegetation. The Mexican law which prevailed in the newly acquired Territories dedicated them to free labor, and thus the astounding question arose for the first time, whether the United States of America, whose Constitution was based upon the principle of the political equality of all men, would blight and curse with Slavery a conquered land which enjoyed universal Freedom. The slave States denied the obligation of these laws, and insisted on their abrogation. The free States maintained them, and demanded their confirmation through the enactment of the Wilmot Proviso. The slave States and the free States were yet in equilibrium.

The controversy continued here two years. The settlers of the new Teritories became impatient, and precipitated a solution of the question. They organized new free States in California and New Mexico. The Mormons also framed a government in Utah. Congress, after a bewildering excitement, determined the matter by another compromise. It admitted California a free State, dismembered New Mexico, transferring a large district free from Slavery to Texas, whose laws carried Slavery over it, and subjected the residue to a Territorial Government, as it also subjected Utah, and stipulated that the future States to be organized in those Territories should be admitted either as free States or as slave States, as they should elect. I pass over the portions of this arrangement which did not bear directly on the point in conflict. The Federal Government presented this compromise to the people, as a comprehensive, final, and perpetual adjustment of all then existing and future questions having any relation to the subject of slavery within the Territories or elsewhere. The country acepted it with that proverbial facility which free States practice, when time brings on a stern conflict which popular passions provoke, and at a distance defy. This halcyon peace, however, had not ceased to be celebrated, and labor required an opening of the region in the old province of Louisiana north of 36 deg. 30 min. which had been reserved in 1820, and dedicated to free labor and free States. The old question was revived in regard to that Territory, and took the narrow name of the Kansas question, just as the stream which Lake Superior discharges, now contracting itself into rivers, and precipitating itself down rapids and cataracts, and now spreading out its waters into broad seas, assumes a new name with every change of form, but continues, nevertheless, the same majestic and irresistible flood under every change, increasing in depth and in volume until it loses itself in the all-absorbing ocean.

No one had ever said, or even thought, that the law of Freedom in this region could be repealed, impaired or evaded. Its constitutionality had included been questioned at the time of its enactment; but this, with all other objections, had been surrendered as part of the compromise. It was regarded as bearing the sanction of the public faith, as it certainly had those of time and acquiescence. But the slaveholding people of Missouri looked across the boarder, into Kansas, and coveted the land. The slave States

could not fail to sympathize with them. It seemed as if no organization of Government could be effected in the Territory. The Senator from Illinois, (Mr. Douglas) projected a scheme. Under his vigorous leading, Congress created two Territories-Nebraska and Kansas. The former (the more Northern one) might, it was supposed, be settled without Slavery, and become a free State, or several free States. The latter (the Southern one) was accessible to the slave States, bordered on one of them, and was regarded as containing a region inviting to Slaveholders. So it might be settled by them, and become one or more slave States. Thus, indirectly, a further compromise might be effected, if the Missouri prohibition of 1820 should be abrogated. Congress abrogated it, with the special and effective co-operation of the President, and thus the National Government indirectly intervened in favor of Slave Labor. Loud remonstrances against the measure, on the ground of its violation of the national faith, were silenced by clamorous avowals of a discovery that Congress had never had any right to intervene in the Territories for or against Slavery, but that the citizens of the United States residing within a Territory had, like the people of every State, exclusive authority and jurisdiction over Slavery, as one of the domestic relations. The Kansas-Nebraska act only recognized and affirmed this right, as it was said. The theory was not indeed new, but a vagrant one, which had for some time gone about seeking among political parties the charity of adoption, under the name of Squatter Sovereignty. It was now brought to the font, and baptized with the more attractive appellation of Popular Sovereignty. It was idle for a time to say that under the Missouri prohibition, freemen in the Territory had all the rights which freemen could desire -perfect freedom to do everything but establish Slavery. Popular Sovereignty offered the indulgence of a taste of the fruit of the tree of the knowledge of evil as well as of good-a more perfect freedom. Insomuch as the proposition seemed to come from a Free State, the Slave States could not resist its seductions, although sagacious men saw that they were delusive. Consequently, a small and ineffectual stream of slave labor was at once forced into Kansas, engineered by a large number of politicians, advocates at once of Slavery and of the Federal Administration, who proceeded with great haste to prepare the means so to carry the first elections as to obtain the laws necessary for the protection of Slavery. It is one thing, however, to expunge statutes from a national code, and quite another to subvert a national institution, even though it be only a monument of Freedom located in the desert. Nebraska was resigned to Free Labor without a struggle, and Kansas became a theatre of the first actual national conflict between Slave-holding and Free-labor immigrants, met face to face, to organize, through the machinery of Republican action, a civil community.

The parties differed as widely in their appointments, conduct and bearing, as their principles. The free laborers came into the Territory with money, horses, cattle, implements, and engines; with energies concentrated by associations and strengthened by the recognition of some of the States. They marked out farms, and sites for mills, towns, and cities, and proceed-at once to build, to plough, and to sow. They proposed to debate, to discuss, to organize peacefully, and to vote, and to abide the canvass. The Slave-labor party entered the Territory irregularly, staked out possessions, marked them, and then, in most instances, withdrew to the States from which they had come, to sell their new acquisitions, or to return and resume them, as circumstances should render one course or the other expedient. They left armed men in the Territory to watch and guard, and to

summon external aid, either to vote or to fight, as should be found necessary. They were fortified by the favor of the Administration, and so assumed to act with its authority, Intolerant of debate, and defiant, they hurried on the elections which were to be so perverted, that an usurpation should be established. They rang out their summons when the appointed time came, and armed bands of partizans, from States near and remote, invaded and entered the Territory, with banners, ammunition, provisions, and forage, and encamped around the polls. They seized the ballot boxes, replaced the judges of election with partizans of their own, drove away their opponents, filled the boxes with as many votes as the exigencies demanded, and, leaving the results to be returned by reliable hands, they marched back again to their distant homes, to celebrate the conquest, and exult in the prospect of the establishment of Slavery upon the soil so long consecrated to Freedom. Thus, in a single day, they became parents of a State without affection for it, and childless again without bereavement. In this first hour of trial, the new system of popular sovereignty signally failed-failed because it is impossible to organize, by one single act, in one day, a community perfectly free, perfectly sovereign, and perfectly constituted, out of elements unassimilated, unarranged, and uncomposed. Free labor rightfully won the day. Slave labor wrested the victory to itself by fraud and violence. Instead of free Republican Government in the Territory, such as popular sovereignty had promised, there was then and henceforth a hateful usurpation. This usurpation proceeded without delay and without compunction to disfranchise the people. It transferred the slave code of Missouri to Kansas, without stopping in all cases to substitute the name of the Territory for that of the old State. It practically suspended popular elections for three years, the usurping Legislature assigning that term for its own members, while it committed all subordinate trusts to agents appointed by itself. It barred the courts and the juries to its adversaries by test oaths; one made it a crime to think what one pleased, and to write and print what one thought. It borrowed all the enginery of tyranny, but the torture, from the practice of the Stuarts. The party of free labor appealed to the Governor (Reeder) to correct the false election returns. He intervened, but ineffectually, and yet even for that intervention was denounced by the Administration organs, and, after long and unacceptable explanations, he was removed from office by the President. The new Governor (Shannon) sustained for a while the usurpation, but failed to effect the subjugation of the people, although he organized as a militia an armed partizan band of adventurers who had intruded themselves into the Territory to force Slavery upon the people. With the active co-operation of this band, the party of slave labor disarmed the Free State emigrants who had now learned the necessity of being prepared for self-defence, on the borders of the Territory, and on the distant roads and rivers which led into it. They destroyed a bridge that free labor men used in their way to the seat of Government, sacked a hotel where they lodged, and broke up and cast into the river a press which was the organ of their cause.

The people of Kansas, thus deprived, not merely of self-government, but even of peace, tranquility and security, fell back on the unalienable revolutionary right of voluntary reorganization. They determined, however, with admirable temper, judgment and loyalty, to conduct their proceedings for this purpose in deference and subordination to the authority of the Federal

Union, and according to the line of safe precedents.

After due elections, open to all the inhabitants of the Territory, they or-

ganized provisionally a State Government at Topeko; and by the hands of a provisional Senator and a provisional Representative, they submitted their Constitution to Congress, and prayed to be admitted as a Free State into the Federal Union. The Federal authorities lent no aid to this movement, but, on the contrary, the President and Senate contemptuously rejected it, and denounced it as a treason, and all its actors and abettors as disloyal to the Union. An army was despatched to the Territory, intended indeed to preserve peace, but at the same to obey and sustain the surpation. The provisional Legislature, which had met to confer, and to adopt further means to urge the prayers of the people upon Congress, were dispersed by the army, and the State officers provisionally elected, who had committed no criminal act, were arrested, indicted, and held in the Federal camp as State prisoners. Nevertheless, the people of Kansas did not acquiesce. The usurpation remained a barren authority, defied, derided, and despised.

A national election was now approaching. Excitement within and sympathies without the Territory must be allayed. Governor Shannon was removed, and Mr. Geary was appointed his successor. He exacted submission to the statutes of the usurpation, but promised equality in their administration. He induced a repeal of some of these statutes which were obviously unconstitutional, and declared amnesty for political offences. He persuaded the Legislature of the usurpation to ordain a call for a Convention at Lecompton, to form a Constitution, if the measure should be approved by a popular vote, at an election to be held for that purpose. To vote at such an election was to recognize and tolerate the usurpation, as well as to submit to disfranchising laws, and to hazard a renewal of the frauds and violence by which the usurpation had been established. On no account would the Legislature agree that the projected Constitution should be submitted to the people, after it should have been perfected by the Convention. The refusal of this just measure, so necessary to the public security in case of surprise and fraud, was a confession of the purpose on the part of the usurpation to carry a Constitution into effect by surprise and fraud. The Governor insisted on this provision, and demanded of the President of the United States the removal of a partial and tyrannical judge. He failed to gain either measure, and incurred the displeasure of the usurpation by by seeking them. He fled the Territory. The Free State party stood aloof from the polls, and a canvass showed that some 2,300 less than a third of the people of the Territory had sanctioned the call of a Convention, while the presence of the army alone held the Territory under a forced truce.

At this juncture the new Federal Administration came in, under a President who had obtained success by the intervention at the polls of a third party—an ephemeral organization, built upon a foreign and frivolous issue, which had just strength enough and life enough to give to a pro-Slavery party the aid required to produce that untoward result. The new President, under a show of moderation, marked a more effectual intervention than that of his predecessors, in favor of Slave labor and a Slave State. Before coming into office, he approached or was approached by the Supreme Court of the United States. On their docket was, through some chance or design, an action which some obscure negro man in Missouri had brought for his freedom against his reputed master. The Court had arrived at the conclusion, on solemn argument, that inasmuch as this unfortunate negro had, through some ignorance or chicane in special pleading, admitted what could not have been proven, that he had descended from some African

who had once been held in bondage, that therefore he was not, in view of the Constitution, a citizen of the United States, and therefore could not implead the reputed master in the Federal Courts; and on this ground the Supreme Court were prepared to dismiss the action, for want of jurisdiction over the suitor's person. This decision, certainly as repugnant to the Declaration of Independence and to the Constitution, as to the instincts of humanity, nevertheless would be one which would exhaust all the power of the tribunal, and exclude considerations of all other questions that had been raised upon the record. The counsel who had appeared for the negro, had volunteered from motives of charity, and ignorant, of course, of the disposition which was to be made of the cause, had aroued that his client had been freed from slavery by operation of the Missouri prohibition of 1820. The opposing counsel, paid by the defending slaveholder, had insisted, in reply, that that famous statute was unconstitutional. The mock debate had been heard in the chamber of the Court, in the basement of the Capitol, in the presence of the curious visitors at the seat of Government, whom the dullness of a judicial investigation could not disgust. The Court did not fail to please the incoming President, by seizing this extraneous and idle forensic discussion, and converting it into an occasion for pronouncing an opinion that the Missouri prohibition was void, and that, by force of the Constitution, slavery existed, with all the elements of property in man over man, in all the Territories of the United States, paramount to any popular sovereignty within the Territories, and even to the authority of Congress itself.

In this ill-omened act, the Supreme Court forgot its own dignity, which had always been maintained with just judicial jealousy. They forgot that the province of a court is simply "jus dicere," and not at all "jus dare." They forgot also that "one foul sentence does more harm than many foul examples; for the last do but corrupt the stream, while the former corrupteth the fountain." And they and the President alike forgot, that judicial usurpation is more odious and intolerable than any other among the manifold

practices of tyranny. The day of Inauguration came—the first one among all the celebrations of that great national pageant that was to be desecrated by a coalition between the Executive and Judicial departments, to undermine the National Legislature and the liberties of the people. The President, attended by the usual lengthened procession, attended, and took his seat on the portico. The Supreme Court attended him there, in robes which yet exacted public reverence. The people, unaware of the import of the whisperings carried on between the President and the Chief Justice, and imbued with veneration for both, filled the avenues and gardens far away as the eye could reach. The President addressed them in words as bland as those which the worst of all the Roman Emperors pronounced when he assumed the purple. He announced (vaguely, indeed, but with self-satisfaction,) the forthcoming extra-judicial exposition of the Constitution, and pledged his submission to it as authorative and final. The Chief Justice and his Associates remained silent. The Senate, too, were there-constitutional witnesses of the transfer of the Administration. They, too, were silent, although the promised usurpation was to subvert the authority over more than half of the empire which Congress had assumed contemporaneously with the birth of the nation, and had exercised without interruption for nearly seventy years. It cost the President, under the circumstances, little exercise of magnanimity now to promise to the people of Kansas, on whose neck he

had, with the aid of the Supreme Court, hung the millstone of Slavery, a fair trial in their attempt to cast it off, and hurl it to the earth, when they should come to organize a State Government. Alas! that even this cheap promise, uttered under such great solemnities, was only made to be broken!

The pageant ended. On the 5th of March, the Judges without even exchanging their silken robes for courtiers' gowns, paid their salutations to the President in the Executive Palace. Doubtlessly the President received them as graciously as Charles the First did the Judges, who at his instance subverted the statutes of English Liberty. On the 6th of March, the Supreme Court dismissed the new suitor, Dred Scott, to return to his bondage; and having thus disposed of that private action for an alleged private wrong, on the ground of want of jurisdiction in the case, they proceeded with amusing solemnity to pronounce the opinion that if they had had such jurisdiction, still the unfortunate negro would have to remain in bondage, unrelieved, because the Missouri prohibition violates rights of general property involved in Slavery, paramount to the authority of Congress. A few days later, copies of this opinion were multiplied by the Senate's press, and scattered in the name of the Senate broadcast over the land, and their publication has not yet been disowned by the Senate. Simultaneously, Dred Scott, who had played the hand of dummy in this interesting political game, unwittingly, yet to the complete satisfaction of his adversary, was voluntarily emancipated; and thus received from his master, as a reward,

the freedom which the Court had denied him as a right.

The new President of the United States, having organized this formidable judicial battery at the Capitol, was now ready to begin his active demonstrations of intervention in the Territory. Here occurred not a new want, but an old one revived-a Governor for Kansas. Robert J. Walker born and reared in Pennsylvania, a free State, but long a resident of Mississippi, a slave State, eminent for talent and industry, devoted to the President and his party, plausible and persevering, untiring and efficient, seemed just the man to conduct the fraudulent inchoate proceedings of the projected Lecompton Convention to a conclusion, by dividing the friends of free labor in the Territory, or by casting upon them the responsibility of defeating their own favorite policy by impracticability and contumacy. He wanted for this purpose only an army and full command of the Executive exchequer of promises of favor and of threats of punishment. Frederick P. Stanton, of Tennessee, honorable and capable, of persuasive address, but honest ambition, was appointed his Secretary. The new agents soon found they had assumed a task that would tax all their energies and require all their adroitness. On the one side, the Slave Labor party were determined to circumvent the people, and secure, through the Lecompton Convention, a Slave State. On the other, the people were watchful and determined not to be circumvented, and in no case to submit. Elections for delegates to that body were at hand. The Legislature had required a census and registry of voters to be made by authorities designated by itself, and this duty had been only partially performed in fifteen of the thirty-four counties, and altogether omitted in the other nineteen. The party of Slave Labor insisted on payment of taxes as a condition of suffrage. The Free Labor party deemed the whole proceeding void, by reason of the usurpation practiced, and of the defective arrangements for the election. They discovered a design to surprise in the refusal of any guaranty that the Constitution, when framed, should be submitted to the people, for their acceptance or rejection, preparatory to an application under it for the admission of Kansas into the Union. The Governor, drawing from the ample treasury of the Executive at his command, made due exhibitions of the army, and threatened the people with an acceptance of the Lecompton Constitution, however obnoxious to them, if they should refuse to vote. With these menaces, he judiciously mingled promises of fabulous quantities of land for the endowment of roads and education. He dispensed with the test oaths and taxes, lamented the defects of census and registry, and promised the rejection of the Constitution, by himself, by the President, and by Congress, if a full, fair and complete submission of the Constitution should not be made by the Convention; and he obtained and published pledges of such submission by the party conventions which nominated the candidates for delegates, and even by an imposing number of those candidates themselves. The people stood aloof, and refused to vote. The army protected the polls. The Slave Labor party alone voted, and voted without legal restraint, and so achieved an easy formal success by casting some two thousand ballots.

Just in the conjuncture, however, the term of three years service which the usurping Legislature had fixed for its own members expired, and elections authorized by itself were to be held, for the choice, not only of new members, but of a delegate to Congress. While the Lecompton Conven tion was assembling, the Free Labor party determined to attend these Territorial elections, and contest, through them, for self-government within the Territory. They put candidates in nomination, on the express ground of repudiation of the whole Lecompton proceeding. The Lecompton Convention prudently adjourned to a day beyond the elections. The parties contended at the ballot boxes, and the result was a complete and conclusive triumph of the Free Labor party. For a moment this victory, so important, was jeoparded by the fraudulent representation of spurious and fabricated returns of elections in almost uninhabited districts, sufficient to transfer the triumph to the Slave Labor party, and the Free State party was proceeding to vindicate it by force. The Governor and Secretary detected, proved, and exposed, this atrocious fraud. The Lecompton Convention denounced them, and complaints against them poured in upon the President, from the Slave-holding States. They were doomed from that time. The President was silent. The Lecompton Convention proceeded, and framed a Constitution which declares Slavery perpetual and irreversible, and postpones any alteration of its own provisions until after 1864, by which time they hoped that Slavery might have gained too deep a hold in the soil of Kansas to be in danger of being uprooted. All this was easy; but now came the question whether the Constitution should be submitted to the people. It was confessed that it was obnoxious to them, and, if submitted, would be rejected with indignation and contempt. An official emissary from Washington is supposed to have suggested the solution which was adopted. This was a submission in form, but not in fact. The President of the Convention, without any laws to preserve the purity of the franchise by penalties for its violation, was authorized to designate his own agents, altogether irrespectively of the Territorial authorities, and with their aid to hold an election, in which there should be no vote allowed or received, if against the Constitution itself. Each voter was permitted to cast a ballot "for the Constitution with Slavery," or "for the Constitution with no Slavery," and it was further provided, that the Constitution should stand entire, if a majority of votes should be east for the Constitution with Slavery; while, on the other hand, if the majority of the votes cast should be

"for the Constitution with no Slavery," then the existing Slavery should not be disturbed, but should remain with its continuance, by the succession of its unhappy victims by descent forever. But even this miserable shadow of choice between forms of a Slave State Constitution, was made to depend on the taking of a test oath to support and maintain it in the form which should be preferred by the majority of those who should vote on complying with that humiliation. The Governor saw, that by conniving at this pitiful and wicked juggle he should both shipwreck his fame and become responsible for civil war. He remonstrated, and appealed to his chief, the President of the United States, to condemn it. Denunciations followed him from the Lecompton party within the Territory, and the denunciations no less violent from the Slave States were his greeting at the National Capitol. The President disappointed his most effective friend and wisest counsellor. This present Congress had now assembled. The President, as if fearful of delay, forestalled our attention with recommendations to overlook the manifest objections to the transaction, and to reguard the anticipated result of this mock election then not yet held, as equivalent to an acceptance of the Constitution by the people of Kansas, alleging that the refusal of the people to vote either the ballot for the "Constitution with Slavery," or the false and deceitful ballot for the "Constitution with no Slavery," would justly be regarded as drawing after it the consequences of actual acceptance and an adoption of the Constitution itself. His argument was apologetic, as it lamented that the Constitution had not been fairly submitted; and jesuitical, as it urged that the people might, when once admitted as a State, change the Constitution at their pleasure, in defiance of the provision which postpones any change seven years.

Copies of the message containing these arguments were transmitted to the Territory, to confound and dishearten the Free State party, and obtain a surrender, at the election to be held on the 21st of December, on the question submitted by the Convention. The people, however, were neither misled nor intimidated. Alarmed by this act of connivance by the President of the United States with their oppressors, they began to prepare for the last arbitrament of nations. The Secretary, Mr. Stanton, now Governor ad interim, issued his proclamation, calling the new Territorial Legislature to assemble to provide for preserving the public peace. An Executive spy dispatched information of this proceeding to the President by telegraph, and instantly Mr. Stanton ceased to be Secretary and Governor ad interim, being removed by the President, by and with the advice and consent of the Senate of the United States. Thus the services of Frederick P. Stanton came to an abrupt end, but in a manner most honorable to himself. chief, Mr. Walker, was less wise and less fortunate. He resigned. Pætus Thrasea (we are informed by Tacitus) had been often present in the Senate, when the fathers descended to unworthy acts, and did not rise in opposition; but on the occasion when Nero procured for them a decree to celebrate, as a festival, the day on which he had murdered his mother, Agrippina, Pætus left his seat and walked out of the chamber-thus by his virtue provoking future vengeance, and yet doing no service to the cause of Liberty.

sibly Robert J. Walker may find a less stern historian.

The new Secretary, Mr. Denver, became Governor of Kansas, the fifth incumbent of that office appointed within less than four years, the legal term of one. Happily, however, for the honor of the country, three of the recalls were made on the ground of the virtue of the parties disgraced. The Pro-Consuls of the Roman provinces were brought back to the Capitol

to answer for their crimes.

The proceedings which the late Secretary Stanton had so wisely instituted, nevertheless, went on; and it has become, as I trust, the principal means of rescuing from tyranny the people whom he governed so briefly and ret so well. The Lecompton Constitution had directed that on the 4th of January, election should be held to fill the State offices and the offices of members of the Legislature and member of Congress, to assume their trusts when the new State should be admitted into the Union. The Legislature of the Territory now enacted salutary laws for preserving the purity of elections in all cases. It directed the Lecompton Constitution to be submitted to a fair vote on that day, the ballots being made to express a consent to the Constitution, or a rejection of it, with or without Slavery. The Free Labor party debated anxiously on the question, whether, besides voting against the Constitution, they should, under protest, vote also for officers to assume the trust created by it, if Congress should admit the State After a majority had decided that no such votes should be cast, a minority hastily rejected the decision, and nominated candidates for those places, to be supported under protest. The success of the movement, made under the most serious disadvantages, is conclusive evidence of their strength. While the election held on the 21st of December, allowing all fraudulent votes, showed some six thousand majority for the Constitution with slavery, and some five hundred votes for the Constitution without slavery, the election on the 4th of January showed an aggregate majority of eleven thousand against the Constitution itself in any form, with the choice, under protest, of a Representative in Congress, and a large majority of all the candidates nominated by the Free Labor party for the various Executive and

Legislative trusts, under the Lecompton Constitution.

The Territorial Legislature has abolished Slavery by a law to take effect in March, 1858, though the Lecompton Constitution contains provisions anticipating and designed to defeat this great act of justice and humanity. It has organized a militia, which stands ready for the defence of the rights of the people against any power. The President of the Convention has fled the Territory, charged with an attempt to procure fraudulent returns to reverse the already declared results of the last election, and he holds the public in suspense as to his success until after his arrival at the Capitol, and the decision of Congress on the acceptance of the Lecompton Constitution. In the meantime, the Territorial Legislature has called a Convention, subject to the popular approval, to be held this month, and to form a Constitution to be submitted to the people, and, when adopted, to be the organic law of the new State of Kansas, subject to her admission into the Union. The President of the United States, having received the Lecompton Constitution, has submitted it to Congress, and insisting that the vote taken on the juggle of the Lecompton Convention, held on the 21st of December. is legally conclusive of its acceptance by the people, and absolute against the fair, direct and unimpeachable rejection of it by that people, made on the 4th of January last; he recommends, and urges and implores the admission of Kansas as a State into the Federal Union, under that false, pretended and spurious Constitution. I refrain from an examination of this extraordinary message. My recital is less complete than I have hoped, if it does not overthrow all the President's arguments in favor of the acceptance of the Lecompton Constitution as an act of the people of Kansas, however specious, and without descending to any details. In Congress, those who seek the admission of Kansas under the Constitution, strive to delay the admission of Minnesota, until their opponents shall compromise on that paramount question.

This, Mr. President, is a concise account of the national intervention in the Territories in favor of slave labor and Slave States since 1820. No wonder that the question before us excites apprehensions and alarms. There is at last a North side of this Chamber, a North side of the Chamber of Representatives, a North side of the Union, as well as South sides of all these. Each of them is watchful, jealous and resolute. If it be true, as has often been asserted, that this Union cannot survive the decision by Congress of a direct question involving the adoption of a Free State which will establish the ascendency of Free States under the Constitution, and draw after it the restoration of the influence of Freedom, in the domestic and foreign conduct of the Government, then the day of dissolution is at hand.

I have thus, Mr. President, arrived at the third circumstance attending the Kansas question which I have thought worthy of consideration, namely, that the national intervention in the Territories in favor of slave labor and Slave States is opposed to the material, moral and social developments of the Republic. The proposition seems to involve a paradox, but it is easy to understand that the checks which the Constitution applies, through prudent caution, to the relative increase of the representation of the Free States in the House of Representatives, and especially in the Senate, co operating with the differences of temper and political activity between the two classes of States, may direct the Government of the Federal Union in one course, while the tendencies of the nation itself, popularly regarded, are in a direction exactly opposite.

The ease and success which attended the earlier policy of intervention in favor of free labor and free States, and the resistance which the converse policy of intervention in favor of slave labor and slave States encounters, sufficiently establish the existence of the antagonism between the Government and the nation which I have asserted. A vessel moves quietly and peacefully while it descends with the current. You mark its way by the foam on its track only when it is forced against the tide. I will not dwell on other proofs-such as the more rapid growth of the Free States, the ruptures of ecclesiastical Federal Unions and the demoralization of politi-

Mr. President, I have shown why it is that the Kansas question is attended by difficulties and dangers, only by way of preparation for the submission of my opinion in regard to the manner in which the question ought to be determined and settled. I think, with great deference to the judgment of others, that the expedient, peaceful, and right way to determine it, is to reverse the existing policy of intervention in favor of slave labor and slave States. It would be wise to restore the Missouri prohibition of slavery in Kansas and Nebraska. There was peace in the Territories and in the States, until that great statute of Freedom was subverted. It is true that there were frequent debates here on the subject of Slavery, and that there were profound sympathies among the people, awakened by or responding to those debates. But what was Congress instituted for but debates? What makes the American people differ from all other nations but this? that, while among them, power enforces silence, here all public questions are referred to debate, free debate in Congress. Do you tell me that the Supreme Court of the United States has removed the foundations of this great statute? I reply, that they have done no such thing: they could not do it. They have remanded the negro man Dred Scott to the custody of his master. With that decree, we have nothing here, at least nothing now, to do. This is the extent of the judgment rendered-the

extent of any judgment they could render. Already, the pretended further decision is subverted in Kansas. So it will be in every free State and in every free Territory in the United States. The Supreme Court, also, can reverse its spurious judgment easier than we could reconcile the people to its usurpation. Sir, the Supreme Court of the United States attempts to command the people of the United States to accept the principles that one man can own other men, and that they must guaranty the inviolability of that false and pernicious property. The people of the United States never can, and they never will, accept principles so unconstitutional and so abhorrent. Never, never! Let the Court recele. Whether it recede or not, we shall reorganise the Court, and thus reform its political sentiments and practices, and bring them into harmony with the Constitution and with the laws of nature. In doing so, we shall not only re-assume our own just authority, but we shall restore that high tribunal itself to the position it ought to maintain since so many inalienable rights of citizens, and even of

States themselves, depend upon its impartiality and its wisdom.

Do you tell me that the Slave States will not acquiesce, but will agitate? Think first whether the Free States will acquiesce in a decision that shall not only be unjust, but fraudulent. True, they will not menace the Republic. They have an easy and simple remedy, namely, to take the Government out of unjust and faithless hands, and commit it to those who will be just and faithful. They are ready to do this now. They want only a little more harmony of purpose and a little more completeness of organization. These will result from only the least addition to the pressure of Slavery upon them. You are lending all that is necessary, and even more, in this very act. But will the Slave States agitate? Why? Because they have lost at last a battle that they could not win, unwisely provoked, fought with all the advantages of strategy and intervention, and on a field chosen by themselves. What would they gain? Can they compel Kansas to adopt Slavery against her will? Would it be reasonable or just to do it, if they could? Was negro servitude ever forced by the sword on any people that inherited the blood which circulates in our veins, and the sentiments which make us a free people? If they will agitate on such a ground as this, then how or when, by what concession we can make, will they ever be satisfied? To what end would they agitate? It can now be only to divide the Union. Will they not need some farther and more plausable excuse for a proposition so desperate? How would they improve their condition, by drawing down a certain ruin upon themselves? Would they gain any new security for Slavery? Would they not hazard securities that are invaluable? Sir, they who talk so wildly, talk what they do not No man when cool can promise what he will do when know themselves. he shall be inflamed; no man inflamed can speak for his actions when time and necessity shall bring reflection. Much less can any one speak for States in such emergencies.

But I shall not insist now, on so radical a measure as the restoration of the Missouri prohibition. I know how difficult it is for power to relinquish even a pernicious and suicidal policy all at once. We may attain the same result in this particular case of Kansas, without going back so far. Go back only to the ground assumed in 1854, the ground of Popular Sovereignty. Happily for the authors of that measure, the zealous and energetic resistence of abuses practised under it has so far been effected that Popular Sovereignty in Kansas may now be made a fact, and Liberty there may be rescued from danger through its free exercise. Popular Sovereignty

is an epic of two parts Part the first, presents Freedom in Kansas lost. Part the second, if you will so consent to write it, shall be Freedom in Kansas regained. It is on this ground that I hail the eminent Senator from Illinois, (Mr. Douglas) and his associates, the distinguished Senator from Michigan, (Mr. Stuart) and the youthful but most brave Senator from California, (Mr. Broderick.) The late Mr. Clay told us that Providence has many ways for saving nations. God forbid that I should consent to see Freedom wounded, because my own lead or even my own agency in saving it should be rejected, I will cheerfully co-operate with these new defenders of this sacred cause in Kansas, and I will award them all due praise, when we shall have been successful, for their large share of merit in its deliverance.

Will you tell me that it is difficult to induce the Senate and the House of Representatives to take that short backward step? On the contrary, the hardest task that an executive dictator ever set, or parliamentary manager ever undertook, is to prevent this very step from being taken. Let the President take off his hand, and the bow bent so long, and held to its ten-

sion by so hard a pressure, will relax, and straighten itself at once.

Consider now, if you please, the consequences of your refusal. attempt to coerce Kansas into the Union, under the Lecompton Constitution, the people of that Territory will resort to civil war. You are pledged to put down that revolution by the sword. Will the people listen to your voice amid the thunders of your cannon? Let but one drop of the blood of a free citizen be shed by the Federal army, and the countenance of every representative of a Free State, in either House of Congress, will blanch, and his tongue will refuse to utter the vote necessary to sustain the army

in the butchery of his fellow-citizens.

Practically, you have already one intestine and Territorial war. A war against Brigham Young in Utah. Can you carry on two and confine the strife within the Territories. Can you win both? A wise nation will never provoke more than one ration at one time. I know that you argue that the Free State men of Kansas are impracticable, factious, seditious. Answer me three questions: Are they not a majority, and so proclaimed by the people of Kansas? Is not this quarrel for the right of governing themselves conceded by the Federal Constitution! Is the tyranny of forcing a hateful government upon them less intolerable than three cents impost on a pound of tea, or five cents stamp duty on a promissory note? You may say that they can change this Lecompton Constitution when it shall once have been forced upon them. Let it be abandoned now. What guaranty can you give against your own intervention to prevent that future change? What security can you give for your own adherence to the construction of the Constitution which you adopt, from expediency, to-day? What better is a Constitution than a by-law of a corporation, if it may be forced on a State to-day, and rejected to-morrow, in derogation of its own express inhibition.

I perceive, Mr. President, that in the way of argument, I have passed already from the ground of expediency, on which I was standing, to that of right and justice. Among all our refinements of constitutional learning, one principle, one fundamental principle, has been faithfully preserved, namely: That the new States must come voluntarily into the Union; they must not be forced into it. "Unite or die," was the motto addressed to the States in the time of the Revolution. Though Kansas should perish, she

cannot be brought into the Union by force.

So long as the States shall come in by free consent, their admission will be an act of union, and this will be a confederacy. Whenever they shall be brought in by fraud or force, their admission will be an act of consolidation, and the nation, ceasing to be a Confederacy, will become in reality an Empire. All our elementary instruction is wrong, or else this change of the Constitution will subvert the liberties of the American people.

You argue the consent of Kansas from documentary proofs of her forced and partial acquiescence, under your tyranical rule, from the elections fraudulently conducted, from her own contumacy and from your own records, made up here against her. I answer the whole argument at once: Kansas protests here, and stands, by your own confession, in an attitude of rebellion at home, to resist the annexation which you contend she is soliciting at your

hands.

Sir, if your proofs were a thousand times stronger, I would not hold the people of Kansas bound by them. They are all contradicted by stern facts. A people can be bound by no action conducted in their name, and pretending to their sanction, unless they enjoy perfect freedom and safety in giving that consent. You have held the people of Kansas in duress from the first hour of their attempted organization as a community. To crown this duress by an act, at once forcing slavery on them, which they hate, and them into a union with you, on terms which they abhor, would be but to illustrate anew, and on a grand scale, the maxim—

" Prosperum et felix scelus, vritues vocaturl."

Mr. President, it is an occasion for joy and triumph when a community that has gathered itself together under circumstances of privation and exile, and proceed through a season of territorial or provincial dependence or distant central authority, becomes a State, in the full enjoyment of civil and religous liberty, and rise into the dignity of a member of this imperial Uuion. But in the case of Kansas, her whole existence has been, and it , vet is, a trial, a tempest, a chaos-and now you propose to make her nuptials a celebration of the funeral of her freedom. The people of Kansas are entitled to have that freedom, for they have won it back when it had been wrested from them by invasion and usurpation. Sir, you are great and strong. On this occasion there is no power can resist you. On any other there is hardly a power that would not reluctantly engage with you; but you can never, never conquer Kansas. Your power, like a throne which is built of pine boards, and covered with purple, is weakness, except it be defended by a people confiding in you, because satisfied that you are just, and grateful for the freedom that, under you, they enjoy.

Sir, in view, once more, of this subject of slavery, I submit that our own dignity requires that we shall give over this champerty with slaveholders, which we practice in prescribing acquiescence in their rule as a condition of toleration of self government in the territories. We are defeated in it. We may wisely give it up, and admit Kansas as a Free State, since she will

consent to be admitted only in that character.

Mr. President, if I could at all suppose it desirable or expedient to enlarge the field of slave labor, and of slaveholding sway in this republic, I should nevertheless maintain that it is wise to relinquish the effort to sustain slavery in Kansse. The question, in regard to that territory, has risen from a private one about slavery as a domestic institution, to one of slavery as a national policy. At every step, you have been failing. Will you go on still further, ever confident, and yet ever unsuccessful?

I believe sir, to some extent, in the isothermal theory. I think there are regions, beginning at the North pole, and stretching southward, where slavery will die out soon, if it be planted; and I know, too well, that in the tropics, and to some extent northward of them, slavery lives long, and is hard to extirpate. But I cannot find a certain boundary. I am sure, however, that 36 deg. 30 min. is the far north. I think it is a moveable boundary, and that every year it advances towards a more southern parallel.

But is there just now a real want of a new State for the employment of slave labor? I see and feel the need of room for a new State to be assigned to free labor, of room for such a new State almost every year. I think I see how it arises. Free white men abound in this country, and in Europe, and even in Asia. Economically speaking, their labor is cheapthere is a surplus of it. Under improved conditions of society, life grows longer, and multiply faster. Wars, which sometimes wastes them, grow less frequent and less destructive. Invention is continually producing machines and engines, artificial laborers, crowding them from one field of industry to another-ever more from the eastern regions of this continent to the West-ever more from the overcrowded eastern continent to the prairies and the wildernesses in our own. But I do not see any such overflowing of the African slave population in this country, even where it is unresisted. Free labor has been obstructed in Kansas. There are, nevertheless, 50,000 or 60,000 freemen gathered there already-gathered there within four years. Slave labor has been free to importation. There are only 100 to 200 slaves there. To settle and occupy a new slave State anywhere, is pari passu, to depopulate old slave States. Whence, then, are the supplies of slaves to come, and how? Only by reviving the African slave trade. But this is forbidden. Visionaries dream that the prohibition can be repealed. The idea is insane. A republic of thirty millions of freemen, with a free white laboring population so dense as already to crowd on subsistence, to be brought to import negroes from Africa to supplant them as cultivators, and so subject themselves to starvation! Though Africa is yet unorganized, and unable to protect itself, still it has already exchanged, in a large degree, its wars to make slaves, and its commerce in slaves, for legitimate agriculture and trade. All European states are interested in the civilization of that continent, and they will not consent that we shall arrest it. The Christian church cannot be forced back two centuries, and be made to sanction the African slave trade as a missionary enter-

Every nation has always some ruling idea, which, however, changes with the several stages of its developement. A ruling idea of the colonies on this continent two hundred years ago, was labor to subdue and reclaim nature. Then African labor was seized and employed as an auxiliary, under a seeming necessity. That idea has ceased forever. It has given place to a new one. Aggrandizement of the nation, not indeed as it once was, to make a small state great, but to make a state already great the greatest of all states. It still demands labor, but it is no longer the ignorant labor of barbarians, but labor perfected by knowledge, and skill and combination, with all the scientific principles of mechanism. It demands, rot the labor of slaves, which needs to be watched and defended, but voluntary, enlightened labor, stimulated by interest, affection and ambition, It needs that every man shall own the land be tills; that every head shall be fit for the helmet, and every hand fit for the sword, and every mind ready and quali-

fied for counsel. To attempt to aggrandize a country with slaves for its inhabitants, would be to try to make a large body of empire with feeble

sinews and empty veins.

Mr. President, the expansion of territory to make Slave States will only fail to be a greater crime, because it is impracticable, and therefore will turn out to be a stupendous imbecility. A free, Republican Government, like this, notwithstanding all its constitutional checks, cannot long resist and counteract the progress of society. Slavery, wherever and whenever, and in whatsoever form it exists, is exceptional, local, and short-lived. Freedom is the common right, interest, and ultimate destiny of all mankind. All other nations have already abolished, or are about abolishing slavery. Does this mean nothing? All parties in this country that have tolerated the extension of slavery, except one, have perished for that error already. That last one-the Democratic party-is hurrying on irretrievably toward the same fate. All administrations that have avowed this policy have gone down dishonored for that cause, except the present one. A pit deeper and darker is opening to receive this administration, because it sins more deeply than its predecessors. There is a meaning in all these facts, which it becomes us to study well. The nation has advanced another stage; it has reached the point where interventions, by the Government, for Slavery and Slave States, will no longer be tolerated. Free labor has at last apprehended its rights, its interest, its power and its destiny, and is organizing itself to assume the government of the republic. It will henceforth meet you boldly and resolutely here; it will meet you everywhere, in the Territories or out of them, wherever you may go to extend slavery. It has driven you back in California and in Kansas; it will invade you soon in Delaware, Maryland, Virginia, Missouri and Texas. It will meet you in Arizona, in Central America, and even in Cuba. The invasion will be not merely harmless but beneficient, if you yield seasonably to its just and moderate demands. It proved so in New York, New Jersey, Pennsylvania, and the other Slave States, which have already yielded in that way to its advances. You may, indeed, get a start under or near the tropics, and seem safe for a time, but it will be only a short time. Even there you will found States only for free labor to maintain and occupy. The interest of the white races demands the ultimate emancipation of all men.-Whether this consummation shall be allowed to take effect, with needful and wise precautions against sudden change and disaster, or be hurried on by violence, is all that remains for you to decide. For the failure of your system of slave labor throughout the Republic, the responsibility will rest not on the agitators you condemn, or the political parties you arraign or even altogether on yourselves, but it will be due to the inherent error of the system itself, and to the error which thrusts it forward to oppose and resist the destiny, not more of the African than that of the white races. The white man needs this continent to labor upon. His head is clear, his arm is strong, and his necessities are fixed. He must and will have it. To secure it, he will oblige the Government of the United States to abandon intervention in favor of Slave labor and Slave States, and go backwards forty years, and resume the original policy of intervention in favor of free labor and free States. The fall of the castle of San Juan d'Ulloa determined the fate of Mexico, although sore sieges and severe pitched battles intervened before the capture of the capital of the Aztees. The defeats you have encountered in California and in Kansas determines the fate of the principle for which you have been contending. It is for your-

self, not for us, to decide how long and through what further mortifications and disasters the contest shall be protracted, before Freedom shall enjoy her already assured triumph. I would have it ended now, and would have the wounds of society bound up and healed. But this can be done only in one way. It cannot be done by offering further resistance, nor by any invasion or partial surrender, nor by forcing Kausas into the Union as a Slave State, against her will, leaving her to cast off slavery afterwards, as she best may; nor by compelling Minnesota and Oregon to wait, and wear the humiliating costume of territories at the doors of Congress, until the people of Kansas, or their true defenders here, shall be brought to dishonorable compromises. It can be done only by the simple and direct admission of the three new States as free States, without qualification, condition, reservation or compromise, and by the abandonment of all further attempts to extend slavery under the Federal Constitution. You have unwisely pushed the controversy so far, that only these broad concessions will now be accepted by the interest of free labor and free States. For myself, I see this fact, perhaps the more distinctly now, because I have so long foreseen it. can, therefore, counsel nothing less than those concessions. I know the hazards I incur in taking this position. I know how men and parties, now earnest, and zealous and bold, may yet fall away from me as the controversy shall wax warm, and alarms and dangers, now unlooked for, shall stare them in the face; as men and parties equally earnest, bold and zealous, have done in like circumstances before. But it is the same position I took in the case of California, eight years ago. It is the same I maintained on the great occasion of the organization of Kansas and Nebraska, four years ago. Time and added experience have vindicated it since, and I assume it again, to be maintained to the last, with confidence that it will be justified ultimately by the country and by the civilized world. You may refuse to yield it now, and for a short period, but your refusal will only animate the friends of freedom with the courage and the resolution, and produce the union among them which alone is necessary on their part to attain the position itself simultaneously with the impending overthrow of the existing Federal Administration and the constitution, of a new and more independent Congress.

Mr. President, this expansion of the empire of free white men is to be conducted through the progress of admitting new states, and not otherwise. The white man, whether you consent or not, will make the states to be admitted, and he will make them all free states. We must admit them, and admit them all free; otherwise, they will become independent and foreign states, constituting a new empire to contend with us for the continent. To admit them is a simple, easy, and natural policy. It is not new to us, nor to our times. It began with the voluntary union of the first thirteen. It has continued to go on, overriding all resistance ever since. It will go on until the ends of the continent are the borders of our Union. Thus we become co-laborers with our fathers, and even with our posterity throughout many ages. After times, contemplating the whole vast structure, completed and perfected, will forget the dates, and the eras, and the individualities, of the builders in their successive generations. It will be one great republic, founded by one body of benefactors. I wonder that the President of the United States undervalues the Kansas question, when it is a part of a transaction so immense and sublime. Far from sympathizing with him in his desire to depreciate it, and to be rid of it, I felicitate myself on my humble relation to it, for I know that heaven cannot grant, nor

man desire a more favorable occasion to acquire fame, than he enjoys who is engaged in laying the foundation of a great empire; and I know, also, that while mankind have often defied their benefactors, no nation has ever yet bestowed honors on the memories of the founders of slavery.

I have always believed, Mr. President, that this glorious Federal Constitution of ours is adapted to the inevitable expansion of the empire which I have so feebly presented. It has been perverted often by misconstruction, and it is yet to be perverted many times, and widely, hereafter; but it has inherent strength and vigor that will cast off all the webs which the everchanging interest of classes may weave around it. If it fail us now, it will however, not be our fault, but because an inevitable crisis, like that of youth, or of manhood, to be encountered by a constitution proved in that case to be inadequate to the trial. I am sure that no patriot who views the subject as I do, could wish to evade or delay the trial. By delay we could only extend Slavery, at the most, throughout the Atlantic region of the continents. The Pacific slope is free, and it always must and will be free. The mountain barriers that separates us from that portion of our empire, are quite enough to divide us too widely, possibly to alienate us too soon. Let only these become all Slave-holding States on this side of those barriers, while only Free States are organized and perpetuated on the other side, and then indeed there will come a divison of the great American family into two nations, equally ambitious for complete control over the continent, and a conflict between them, over which the world will mourn, as the greatest and last to be retrieved of all the calamities that have ever befallen the human race.

A Virginian on Wm. H. Seward.

The country should look with more anxiety and interest to the course of Wm. H. Seward, than to that of any man living. He is a man of mighty powers of influence, and of vast actual influence. In no unimportant sense he is the representative man of his age. His influence over the Northern mind and control over the Northern modes of thoughts, is almost unbounded. He is regarded by many here as an honest man in the highest sense. He is living for ages to come—not for the present moment. He has a disposition to find, and ground himself on, the right, as he knows that that only will endure forever.

The expression is very common among Republican members here, that the Republican party is destined to become the great National party of the country—that the South will all come into it, when it learns that they do not meditate any interference with the institution as it exists in the States; and the South will relinquish their claim and desire to extend beyond their present limits.— $Clark\ County\ (Va)\ Advertiser.$

SLAVERY TO BE "BOUGHT OUT" IN KENTUCKY.—The Newport (Ky.) News states that "a proposition is in contemplation to buy the land and negroes owned by slaveholders in Kentucky at their present valuation; and if three-fourths of the slaveholders in the State will agree to sell, the proposed company will advance a sum of money equal to one-half the estimated value of both, and in one year after, pay the whole balance. The slaves will be set free and the lands sold at an advanced price, in view of the State becoming free in one year after the first payment to the masters, and the State become settled with real industrious, enterprising free people."

GREAT SPEECH

HON. F. P. BLAIR, JR.,

IN THE HOUSE OF REPRESENTATIVES, JAN. 14, 1858.

Hon. Francis P. Blair, Jr., well known as the Representative in Congress from the Free Soil city of St. Louis, lately astonished the Fire-eaters in the House, by a comprehensive exposition of his policy in regard to Central America; and, incidentally, in regard to the slavery question generally. A portion of his speech, we transfer to our columns, regretting that we have not space for his views entire. It will be seen that Mr. BLAIR favors the acquisition, by peaceable means, of such parts of Central America, as may be necessary for the purpose of colonizing therein the colored population of the United States, now free, and such portions thereof as may be hereafter manumitted. The proposition is a bold one, but eminently characteristic of its author, who has no doubt of its feasibility. As we understand him, he presents it as a solution of the Slavery question, and the Central American question at the same time, and by means which will avoid war, preserve the Union and satisfy slaveholders, philanthropists, the blacks, and the whites-in fact all immediately concerned, and all the civilized world besides. We commend our readers to the careful study of what Mr. Blair has said.—Chicago Daily Tribune, Jan. 27.

Mr. Blair offered the following resolution:

"Resolved, That a select committee, to consist of—members, be appointed by the speaker, with instructions to inquire into the expediency of providing for the acquisition of territory either in the Central or South American States, to be colonized with colored persons from the United States who are now free, or who may hereafter become free, and who may be willing to settle in such territory, as a dependency of the United States.

with ample guarantees of their personal and political rights."

There is a party in this country who go for the extension of slavery; and these predatory incursions against our neighbors are the means by which territory is to be seized, planted with slavery, annexed to this Union, and in combination with the present slaveholding States, made to dominate this Government, and the entire continent; or, failing in the policy of annexation, to unite with the Slave States in a southern slaveholding Republic. I believe that there are those who entertain such a purpose. I am opposed to the whole scheme, and to every part of it; and, in order te oppose it successfully, I think we should recur to the plans cherished by the great men who founded this Republic. I think we ought to put it out of the power of any body of men to plant slavery anywhere on this continent by taking immediate steps to give all of these countries that require it, and especially to the Central American States, the power to sustain free institutions under stable Government; and, as one method of doing this.

might plant those countries with a class of men who are worse than useless to us, who would prove themselves to be of immense advantage to those countries, who would attract the wealth and energy of our best men to aid and direct them in developing the incredible riches of those regions, and thus open them to our commerce, and the commerce of the whole world. I refer to our entranchised slaves, all of that class who would willingly embrace the offer to form themselves into a colony under the protection of our flag, and the guarantee of the Republic, of every personal and political right necessary to their safety and prosperity.

What I propose is not new; it is bottomed on the reasoning and recommendation of Mr. Jefferson. Speaking of a proposition, similar in many respects, urged by him upon the Legislature of his native State, he says:

"It was, however, found that the public mind would not yet bear the proposition, nor will it bear it even at this day; yet the day is not far distant when it must bear it and adopt it, or worse will follow. Nothing is more certainly written in the book of fate, than that these people (the negroes) are to be free; nor is it less certain that the two races, equally free, cannot live in the same Government. Nature, habit, opinion, have drawn indelible lines of distinction between them. It is still in our power to direct the process of EMANCIPATION AND DEPORTATION, and in such slow diegree as that the evil will wear off insensibly, and their place be pari passu filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or depletion of the Moors."

The time has ripened for the execution of Mr. Jefferson's plan. By adopting it, we may relieve ourselves of a people who are a burden to us; give to them an amount of happiness and comfort they can never realize here, where they are treated as a degraded class; reinvigorate the feeble people of the Southern Republics, and open up to the enterprise of our merchants the untold wealth of the intertropical region, containing a greater amount of productive land than all the balance of the continent; put a stop to the African slave trade, which is created and kept up by the demand for tropical productions; by supplying that demand by the labor of the only class of freemen capable of exertion in that climate. I make this proposition to meet, oppose, and defeat that which seeks by violence to re-establish slavery, re-open the African slave trade, subject these regions, in Walker's own language, "to military rule," and exclude from them the people of the Northern States.

* * *

John Randolph held the following views in regard to this great evil:

"Sir, I know there are gentlemen, not only from the southern, but the northern States, who think that this unhappy question—for such it is—of negro slavery, which the Constitution has vainly attempted to blink by not using the term, should never be brought into public notice, more especially into that of Congress, and most especially here. Sir, with every due respect for the gentlemen who think so, I differ with them toto cotlo. Sir, it is a thing which cannot be hid. It is not a dry-rot which you can cover with a carpet until the house tumbles about your ears. You might as well try to hide a volcano in full operation. It cannot be hid; it is a cancer on your face, and must not be tampered with by quacks, who never saw the disease of the patient, and prescribe across the Atlantic. It must be, if you will, let alone."

He then points his conclusion in a way to make it stick in the memories

of the masters of slaves, to whom he addressed himself:

"The moment the labor of the slave ceases to be profitable to the master, or very soon after it has reached that stage, if the slave will not run

away from the master, the master will run away from the slave."

A cancer on the face, which, unless removed, would eat into the vitals of the Republic, I concur in his opinion, that the master must run away from his slaves, unless they run away from him. Unhappily for the slave States, many of their enterprising young men leave their native land for those States where individual ability and exertion are sufficient to confer wealth and eminence; and all of that oppressed class who are compelled to labor with their naked hands, and struggle for existence in competition with the monopolizing slave power that holds the soil, and bands together, by a common interest, the capital, the intelligence, and influence, of the order controlling the government of the Commonwealth to make it paramount, would also fly, if they had the means of flight, or a spot on earth they could call their own to receive them. Although the time has not yet come when the masters are ready to run away from their slaves, it will doubtless come, if ever that great mass of freemen who feel the weight of the institution pressing them to the earth, should have the means of reaching homesteads in happier regions, where their labor might render them independent. Can any condition be more lamentable for a State than that which makes it the obvious interest of the mass of its free population to abandon it? and if poverty prevents this desertion, the cause of detention, constantly increasing, must in the end grow into a frightful calamity.

Where would the slaves go if they could run away? The North may receive an absconding straggler here and there, but what States would receive five millions of slaves? or how would the runaways be anywhere provided for? The free States which have put an interdict, so far away as remote Oregon, upon the admission of free blacks, even in the stinted number which might come from the limited emancipation permitted in the South, would hardly receive millions upon a general jail delivery. Nor can the masters run away from their slaves, unless the North is ready to become a St. Domingo; nor emancipate them en masse without making it

a St. Domingo.

Mr. Blair quotes from Randolph's will, wherein he says: "I give and bequeath to my slaves their freedom, heartily regretting that I have ever

been the owner of one."

The "gradual abolition," contemplated by Washington, had, before Mr. Jefferson's death, made so large a class of free negroes as to endanger the safety of the white race by inciting formidable insurrections among the slaves, besides producing the lesser inconveniences apprehended. Hence, the law prohibiting manumission without the removal of the emancipated slaves from the State. Mr. Randolph's love for his own State was so great that he set an example of an exodus by sending his tribe of freed blacks beyond the confines of Virginia. By the legislation of many free States the intrusion of such emigration was soon prevented; and it may now be asserted with truth, that the laws of the free and the slave States combine to perpetuate slavery! for where is the freed man to go? A few rich masters provide the means to return their bondsmen to Africa; and recently some small parties embarked to Mexico, to throw themselves upon the humanity of its semi-barbarous people. There is no alternative but to submit to expulsion, or to refuse the boon of freedom. There existed at least half a million manumitted slaves before the proscriptive laws were passed at the North or South. In the latter section, where the intercourse of the enfranchised and enslaved of the same race is pregnant with danger, measures are in progress to reduce all to the condition of slavery. Laws have been passed in some of the slave States, providing that the freed may subject themselves again to servitude, if they can find a master. During the summer and fall another step was taken in this direction by large meetings in Virginia, praying the legislature to authorize a sweeping sale of all free blacks by auction—to reduce the entire race within the State, however

slightly tinctured with negro blood, to bondage. Mr. Chairman, there is nothing in the comparative progress of the slave and free States, since the illustrious patriots of Virginia, in the last and most solemn act of their lives, bore their testimony against the institution which now convulses the Confederacy, tending to condemn their policy. There is much in the aspect now given to our affairs by that fatal element, against which their forecast gave warning, to prove that their solicitude to remove it had its root in that sound judgment and devoted love to the country, which made the strongest features of their characters. One great difficulty obstructed these efforts. Emancipation was easy, but the amalgamation of the white and black races was abhorrent, and their existence as equals, under the same Government, was for that reason impossible. They were, nevertheless, resolved to make the experiment of the gradual abolition of slavery, hoping that time would make some outlet to the I believe the existing circumstances on this continent degraded state. now justify that hope. The attempt of African colonization, to relieve us of the load, has failed. The immense distance, and the barbarous state of the mother country, to which we would restore its improved race that has arisen among us, has paralyzed all the efforts of the benevolent society that has labored so long in vain to form a community in Liberia which would draw hence its kindred emancipated population, and establish a nation there to spread civilization and religion over Africa. shown that the causes which have produced races, never to improve Africa, or to be improved there, but to abandon it and give their vigor and derive their advancement in other climes, are not to be reversed by the best efforts of the best men. "Westward the star of empire takes its way," is a prophecy which will find its accomplishment within the tropics as well as outside of them on this continent. Liberty and security promote enterprise and industry, and so create that intelligence which brings in its train civilization and Christianity. Africa is a desert, in which every effort to propogate the elements which lead to such results have proved failures; and for ages Africa has ever been "the house of bondage."

As Americans, it is our first interest to take care of this continent, and provide for the races on whose faculties and labor its advancement depends. In my opinion, the door is now open in Central America to receive the enfranchised colored race born amongst us, and which has received, with our language and the habits contracted under our institutions, much that adapts it to sustain a part in giving stability to the institutions copied from ours in the Central American.

Our Presidents, of late years, have not been able to lift their vision to look beyond a President-nominating convention. Without having rendered service of any sort to recommend them to the favor of the nation, these conventional aspirants rely on their location in the North, the skill in party tactics acquired by them as subalterns at the drill, and the cunning acquired in the intrigues necessary to give prominence to an eager ambition, without the higher faculties to promote it, fitted these men to become the instru-

ments of a section to defeat the sound, settled policy of the nation. But "the day of small things," of enslaved Presidents, or buccaneers, will pass away, and the nation of the New World will resume the attitude which the moral grandeur of the great men who directed its affairs for the first half century, gave it. Then the time will come for a new movement on this continent, which will confer prosperity on these races of men.

Mr. Chairman, it is evident to every man of thought, that the freed blacks hold a place in this country which cannot be maintained. Those who have fled to the North are most unwelcome visitors. The strong repugnance of the free white laborer to be yoked with the negro refugee breeds an enmity between races, which must end in the expulsion of the latter. Centuries could not reconcile the Spaniards to the Moors, and although the latter were the most useful people in Spain, their expulsion was the only way to peace. In spite of all that reason or religion can urge, nature has put a badge upon the African, making amalgamation revolting to our race. Centuries have shown that even the aboriginal race of this continent, although approaching our species in every respect more nearly, perish from contiguity with the white man. But I will not argue

groes into the free States.

In the South, causes more potent still make it impossible that the emancipated blacks can remain there. The multiplication of slaves and freed men of the same caste in the section where the dominant race must become proportionally fewer from emigration, has already compelled the latter to prohibit emancipation within the States, and to seek means of deliverance from the free blacks. The Northern States will not receive them; the Southern States dare not retain them. What is to be done? What was done with the native population which it was found incompatible with the interests of Georgia and the States southwest of the Ohio, and the States northwest, to indulge with homes within their limits? The United States held it to be a national duty to purchase their lands from them, acquire homes for them in other regions, and to hold out inducements and provide the means for their removal to them. Have not the negroes, born on our soil, who have grown up among us, and although fated to be a burden and obstruction to our progress-yet always in amity and laboring to render service-equal claims upon us with the savages, against whom we have had to fight our way for centuries, resisting all attempts to bring them within the pale of civilization?

The President, in his late message, proposes to gather these savages in colonies, and at an early day raise them to the dignity of forming States, and assuming equality with the States of the Union. The Africans, bred and educated within civilized communities, who speak our language, are listeners at our canvasses, lookers-on at the elections, worshippors in our churches, and constantly witness the processes of improvement in our society in the field, the workshop, and every domestic scene—one would think quite as capable of being disciplined in colonies, and fitted to take part in the Government of the Union as the Shawnees, Pottawattomies, Winnebagoes, the Sacs and Foxes, removed from the northwest; or the Cherokees, Choctaws, Creeks, and Seminoles from the southwest; as far as respects the Sioux, Pawnees, Cheyennes, Utahs, Camanches and Blackfeet, the President might have spared his recommendation until they were caught.

And ought not the Government to be equally provident for such portions of the unfortunate race born to slavery, but who having attained freedom,

find that it renders them a burden to those among whom they live-a burden that will not be borne? This is the question which absolute necessity now forces on the consideration of the country-one deeply affecting the interests and feelings of slaveholders of the superior race, and of more than half a million already manumitted inferiors pressed down by their weight.

Mr. Chairman, it is to this country, rich in mines, in every tropical production, and open to our emigrants and to our commerce through two great bays, one on the Pacific and the other on the Atlantic, and within three days steaming of our own coast, that I would propose to form a settlement for such of our colored race now free, or that may hereafter be freed, as might volunteer to establish it under the auspices of our Government.

The position which things are taking on the shores of Central America indicates a rivalry between England and the United States, as to the power which is to exert the command over that region; to people it, civilize it, give it peace; in a word, make it to some extent a dependency-the only mode of saving it from barbarism, and from becoming a nuisance. The British Government has sent in its subjects-free colored persons, Jamaica negroes-into the logwood and mahogany cuttings in Honduras, and into the Bay Islands, where she claimed a protectorate. She has restored the latter to the Government on the main land, stipulating that all the rights that make freemen of the people of England or in the United States shall be held under a sacred guarantee. Mr. Buchanan says in his late message, that this security taken for the people of the Bay Islands, is the establishment of "a State, at all times subject to the British influence and control." And how would he prevent it? By stripping off the civil rights the people enjoy, and subjecting them to a dictator? He especially objects to their having "legislative, executive and judicial officers, elected by themselves; or being exempt from the taxing power in every form," against the consent of their representatives; "the performance of military service, except for their own conclusive defence;" but above all, he holds the provision "that slavery shall not at any time hereafter be permitted to exist therein," to be the most obnoxious.

Now, I do not believe that the people of the United States will allow . Mr. Buchanan to wage a war against Great Britain to establish slavery in the Bay Islands, any more than they will allow him to establish it in Kansas by force of arms. Nor will they countenance his hostility to freedom of religious belief in the Bay Islands; nor the right of habeas corpus; nor of voting the taxes to be imposed on them, and providing exclusively for their own military defence. It is a scandal to the age that an American President objects to the guarantee of the American bill of rights, to secure the freedom of any people.

Instead of opposing, I think we should follow the example of England, and carry to the main land of Central America, such of our free colored population as may be willing to go, upon the invitation of the liberal party in that country, and extend our guarantee of freedom over them and the whole section of country which our Government may acquire, by purchase, for their reception. There is a necessity that some great civilized power should step in, to restore order and industry, under the guarantee of free and stable institutions. England tenders the security of her crown, and the best usages that have ever grown up under a crown. We should offer the support of our Constitution, and the earnest of prosperous freedom which it has assured to our Northern Republic. Which they would choose, the Southern Republics have already evinced, in the forms they have adopted; and the encroachments of our transatlantic brethren would never have been attempted, but for the departures manifested in late movements from the principles of the founders of our Government. While Great Britain has been breaking down slavery and monopoly in the West Indies, the hand that has been felt from this quarter was that of the fillbusters. Cuba was ready to fly into the embraces of the United States, when she was repelled by two successive lawless expeditions, unmistakably marked by the features of the buccaneers who ravaged that island of old.

And what have been the concomitants of Gen. Walker's invasion? A proclamation, revoking the constitutional decree delivering the greatest mass of the people from slavery and the principle thus manifested, was fitly illustrated by military executions, butcheries in the streets of the cities, and lastly, by the conflagration of one of the oldest cities. These atrocities had the effect of uniting the people of these distracted States, at last, in one common object-the expulsion of the oppressor. Happily for the fame of our country, the renewal of this horrible enterprise has been thoroughly rebuked by the patriotism, courage and decision of Commodore Paulding. The name has acquired a new lustre to emblazon that which it inherits from the Revolution. If the Commodore's act had the sanction of the Administration in advance, or shall receive it now, some proof will be given that it is not altogether degenerate, and much will have been done to remove from us the aversion, the want of confidence in the justice of this Republic, and the fear that it countenances a design to fix a yoke on Central America, instead of rescuing it from usurpation-results to be hailed as tending to fit our government for the relation it should hold towards the Republics of this continent.

If, on the other hand, the Administration takes part with Walker and the faction in this country that support him, it will show to all the world that the scheme for the propagation of slavery by the sword of which it has given strong indications in Kansas, is extended to the whole regions of the South. Such a scheme can never succeed unless the principle avowed as the basis of it, by Walker, shall prevail. The triumph of "military rule" over civil institutions in the slave States, North and West, must be won as the first step to conquest; and then, as the next step, the whole power of the free Republics on this side of the Atlantic, and the hostile feeling, if not the direct force of Europe, must be encountered. connection of the Atchison-Kansas conspiracy with that of Walker's against Central America, is visible in the instruments who put them in The same men, North and South, encourage both. Funds were raised for them in the same quarters; and such men as Colonel Titus are seen to emerge at one time in Kansas, at another in Nicaragua. The masses of the people nor their elevated statesman, neither of the North nor South, of the East or West, not even the great body of the slave owners, have any heart in the propagation of slavery. Apart from the politicians who use the question for their own advancement, the design has no support but in the enemies of the Union, who hate free government from the bitterness of their hearts, or from a vanity they would dignify as aristocratic pride.

In my opinion, the propagation of slavery can only be successfully resisted by the propagation of freedom. It is this mission, arrogated by Great Britain as peculiarly hers, which has conferred on her the preponder-

ance she holds in almost every portion of the earth. She has swaved it with an iron hand, but everywhere, of late years, Anglo-Saxon justice, civilization and Christianity, wherever they prevailed, have allowed every man to feel the comfort of laboring for himself, and he has labored all the better for his country. * * * This redemption of our own race from its vassalage under slavery has been brought to a stand-still, and six millions of our free white kindred, endure deprivation, corporeal and intellectual, from the slave occupation of the soil and of the pursuits which would add to their means of living and their sources of mental improvement. Neither the slave owners, nor the slave States, are responsible for the arrest of the enfranchisement which promised blessings to the toilers of both races. For, whether as a slave or free man, the presence of multitudes of the black race is found to be fatal to the interests of our race; their antagonism is as strong as that of oil and water, and so long as no convenient outlet, through which the manumitted slave can reach a congenial climate and country willing to receive him, is afforded, the institution of slavery stands on compulsion. But let me suppose Central America-tempting in gold and every production of the tropical soil to stimulate exertion, with a climate innoxious only to the black man-were opened up to him, under circumstances to advance him in the scale of humanity, how long before masters in all the temperate slave States would make compositions to liberate them on terms that would indemnify them for transplantation? Hundreds of more benevolent owners would, from a sense of public good and for conscience sake, by wills, or by deeds of emancipation, make this deliverance, if the General Government would take the charge of the deportation to the region, it might acquire for them a gradual and voluntary emancipation by individuals, if not by States, would thus in time be accomplished. I hold that it is the duty of the nation to offer this boon to slave-holders and to the slave States, to enable them to have complete control of the subject, which is the source of so much anxiety and mischief to them.

What a change would soon be wrought in the condition of Maryland and Virginia, Tennessee and Kentucky, and in my own State, Missouri, if a smooth way were opened into the heart of the tropics-prodigal of wealth in the soil, in the mines, and in the forests; where the labor of the robust and skilful freedman, assisted by the capital and instruction, and inspired by the energy of enterprising American merchants, miners, or planters, would start everything into life. The mixed condition of the four different classes, which, in our grain-growing States, obstruct each other; the masters dependent on the slaves, the slaves on their masters; the free negroes hanging on the skirts of both; while the great mass, the free white laborers, are cast out, in a great measure, from employment and all ownership in the soil, would be succeeded by the most useful of all the tillers of the earth, small freeholders and an independent tenantry. The influx of immigrants from Europe and the North, with moderate capital already running into Maryland and Virginia, would, as these States sloughed the black skin, fill up the rich region around the Chesapeake Bay, the noblest bay in the world, fed by the most beautiful rivers, and brooded over by the most genial climate, and make it fulfil the prediction of Washington, who said, slavery abolished, it would become "the garden of America." The wilderness shores of the great inland sea, now almost as silent as in the days of Powhattan, would be alive with population; and the waters, now covered with awans, wild geese, and wild ducks, would be covered with sails and kept in commotion by the rush of steamers over them. The great rivers that run to waste over many latitudes of the healthful temperate zone would thunder with machinery, and the little Merrimack in Massachusetts. which, though frozen half the year, produces ninety millions of manufactures, would find more than a hundred rivals in giant streams which are precipitated in the Chesapeake. The mountains would give to the hand of free labor boundless wealth in coal, salt and ores, and their surface in pasturing innumerable herds and flocks. The plains and valleys would teem with grain, the lowlands with meadow, and the Old Dominion, instead of being "the lone mother of dead empires," would resume her hereditary crown and nascent strength, imparting new growth to all her offspring States. The noble ambition which once led the way to pre-eminence in this great Confederacy must again be attained by a love of liberty, by a love of justice, by a magnanimous patriotism, prompt to make any sacrifice of temporary convenience for the great moral and political principles, the foundation of free institutions. The attempt to enforce slavery in Kansas and Central America by the sword, and thus make the whole intermediate space on the continent fall under its ascendency, will fail. There is no Mohammed to establish such a dominion, nor is this age-the age of Christian strength and popular power-one to succumb to slavery propagandist prophets. Indeed, the Moslems all over the world have fallen so low, under the influence of this part of their creed, that they are obliged to surrender, and take the law from the accursed nations they stigmatize as Franks. The civilized world is at war with the propagation of slavery, whether by fraud or by the sword; and those who look to gain political ascendancy on the continent by bringing the weight of this system, like an enormous yoke, not to subject the slaves only, but also their fellow-citizens and kindred of the same blood, have made false auguries of the signs of the times.

Missouri.—The stand that Missouri has taken upon the emancipation question, makes her now the great centre of interest, both North and South. Doubtless in the next few years, emigration will pour into Missouri with the same mighty wave with which it is now flowing over more Northern territory. The Boston Traveller thus speaks in reference to the noble

future of this State:

"Missouri is a State to which the attention of emigrants from the Northern, the East-rn and the Middle States should be directed, and also that of Europeans, who are seeking homes in America. climate, in productions, in commercial position, no State can claim an Her political opinion is such, that once freed from advantage over her. slavery, she must rapidly become all that Virginia formerly was, and which that venerable republic might have continued for years to be, if she had been true to the principles of her revolutionary patriots. Missouri is the She stretches one hand to the Atlantic, and the centre of the Union. other to the Pacific. The national capitol must, one day, be on her ground, and it ought to be on free soil only that such a city should stand. Every moral and material consideration that ought to have weight with intelligent emigrants, points to Missouri as one of the noblest fields for the exercise of their enterprise and ingenuity, that is to be found in the entire of that broad domain that America owns.

There is no Property in Man.

SPEECH

HON. OWEN LOVEJOY,

OF ILLINOIS,

DELIVERED IN THE HOUSE OF REPRESENTATIVES, WEDNESDAY, FEBRUARY 17, 1858.

Mr. Lovejoy delivered a strong, bold, and eloquent speech on the Rights of Man, in Congress, on the 17th instant. He began by saving there was no conflict between the North and the South—a sectional strife between two parties of the country-that there was no envy between the producers of maize, wheat and sorghum, in the North, and the growers of rice, cotton and cane in the South. The conflict was not between sections, but between Freedom and Slavery-between the principles of Liberty and those of Despotism. After an eloquent elaboration of this idea, he passed on to sav:

And this brings me, Sir, to the question I desire to discuss—the question not only of the day, but of the age-the most important question that has agitated the country since the Revolution, and the most solemn and grave one with which Christian civilization has had to grapple in modern times.

The President, in his message, claims, or rather assumes, that human beings are property in the absolute and unqualified sense-property as the grazing ox or the bale of merchandise is property; and that the tenure of this property is a natural and indefeasible right, guaranteed by the Constitution. And it has been averred on the floor of this House, that, as an abstract principle, the system of American Slavery was right, having the sanction of natural and of revealed religion. As the whole of this discussion, in its real merits, hinges on this principle or dogma, I confront it at the very threshold, and deny it. I affirm that it has not the sanction of natural or revealed religion, or of the Constitution.

I need not say that this is a new doctrine, unknown to the fathers and founders of the Republic. Indeed, till within a very few years, slavery was acknowledged by all classes, in the slave no less than in the free States, to be an evil, social, moral, and political-a wrong to the slave, a detriment to the master, and a blight on the soil; its very existence deplored, and its ultimate extermination looked forward to with earnest and often impatient hope. It was regarded as the relic of a barbarous age, which must disappear before the advancing civilization of the present. It was deemed to be contrary to the benign spirit and precepts of the Christian religion, which would ere long supplant it. Many of its ablest and truest opponents were reared in the midst of it, and could be called neither intermeddlers nor fanatics. No one pretended that it had any right whatever, beyond the limits of the local laws which created and protected it.

But all this is changed now. The demon of slavery has come forth from the tombs. It has grown bold and defiant and impudent. It has left its lair, lifted its shameless front towards the skies, and with horrid

contortions and gyrations, mouths the heavens, and mutters its blasphemies about having the sanction of a holy and just God; dodges behind the national compact, and grins and chatters out its senile puerilities about Constitutional sanction; and then, like a very fantastic ape, jumps upon the bench, puts on ermine and wig, and pronounces the dictum that a certain class of human beings have no rights which another certain class are bound to regard; and then it claims the right to stalk abroad through the length and breadth of the land, robbing the poor free laborer of his heritage, trampling on congressional prohibitions, crushing out beneath its tread State Sovereignty and State Constitutions. It claims the right to pollute the Territories with its slimy footsteps, and then makes its way to the very home of freedom in the free States, carried there on a Constitutional palanguin, manufactured and borne aloft on the one side by a Demcratic Executive, and on the other by a Democratic Jesuit Judge! claims the right to annihilate free schools-for this its very pressure achieves—to hamper a free press, to defile the pulpit, to corrupt religion, and to stifle free thought and free speech! It claims the right to convert the fruitful field into a wilderness, so that forests shall grow up around grave-yards, and the populous village become a habitation for owls. It claims the right to transform the free laborer, by a process of imperceptible degradation, to a condition only not worse than that of the slave. Yes, Sir, while the border ruffians are striving, by alternate violence and fraud, to force slavery into Kansas, the President and Chief Justice, by new, unheard of, and most unwarrantable interpretations of the Constitution, are endeavoring to enthrone and nationalize slavery, and make it the dominant power in the land, and are calling upon the people, in the name of Democracy, to crowd up to the temple gates of the demon worship! And all this upon the false, atrocious, and impious averment, that human beings are property! Again I meet this doctrine, and spurn it. The Supreme Being never intended that human beings should be property.

In those far-off solitudes of the past, when that sublime manifestation of Almighty power was to be made in the formation of a human being, what was the utterance that fell from the Divine lips? "And God said, let us make man in our own image, after our likeness; and in the image of God created he him." Made but little lower than the angels, crowned with glory and honor, there stood man, the delegated lord and possessor of the earth, and of all the irrational existence with which it teemed. This similitude of man to God is a reality. There is, in man's spiritual nature, at miniature God—debased this likeness may be, disfigured and dim, still there is the Divine tracery. The pearl may be in the oozy bed of ocean's slime; still it is capable of being burnished and made to glisten in the firmament of a future and immortal life.

When a monarch confides his signet ring to another, though that other be a beggar, that symbol carries with it the power and protection of royalty. And on whatever being the Divine artist has traced the image of himself, I insist that being cannot, without wrong and impiety, be made an article of property. This spiritual existence with which man is endowed—this transcript of the Creator's likeness—is not a temporary endowment, but an endless gift.

> "The sun is but a spark of fire; A transient meteor in the sky; The soul, immortal as its sire, Shall never die!"

Shall a being thus highly endowed, and destined to an endless duration, be crowded down to the level of the brutes that perish? Does any one believe that this is in accordance with the Divine will?

As from the altitude of the stars, all inequalities of earth's surface disappear, so from the stand-point of man's immortality all distinctions fade away, and every human being stands on the broad level of equality. To chattelize a rational creature thus endowed and thus allied, is to insult and

incense the author of his being.

Look at it from another point. Eighteen centuries ago appeared the most wonderful personage that has ever moved among men-the Godman-the Deity manifested in human form. After a life of chosen poverty, passed amid the poor and lowly, he laid down his life to expiate the sins of man. President Buchanan, believest thou the gospel record? I know that thou believest. Tell me, then, Sir, did Christ shed his blood for cattle? Did he lay down his life to replevin personal property, to redeem real estate? I tell you, gentlemen, that this property claim in man, is impiety, rank and foul, against God and his anointed.

"Eternal Nature! when thy giant hand Had heaved the floods, and fixed the trembling land-When life sprang startled at thy plastic call, Endless her forms, and man the lord of all-Say, was that lordly form inspired by thee To wear eternal chains and bow the knee? Was man ordained the slave of man to toil, Yoked with the brutes and fettered to the soil, Weighed in a tyrant's balance with his gold? No! nature stamped us in a heavenly mould. She bade no wretch his thankless labors urge, Nor. trembling, take his pittance and the scourge; No homeless Lybian on the stormy deep, To call upon his native land and weep.

I adopt, with cordial admiration, the language of England's great

"While mankind loath rapine, detest fraud, and abhor blood, they will reject with horror the wild and guilty fantasy that man can hold property in man."

In our preamble to the resolutions inviting clergymen to officiate as chaplains, we have avowed our belief in Christianity. One of the divinest utterances of that religion is: "All things whatsoever ye would that men should do to you, do you even so to them." The President, in his recent message, justly says that the avowed principles which lie at the foundation of the laws of nations, is contained in this Divine precept.

Take one single feature of slavery; it annihilates the family; it tolerates no home; it tears with relentless diabolism its plowshare beam deep right through God's domestic institution; and having leveled it with the dust, rears the devil's domestic institution, and transforms the home, the house, into a stable, and its inmates into cattle. The relation of husband and wife, of parent and child, and the endearments of the home circle, are not, and cannot be legally known among the victims of slavery.

What a contrast between that family portrayed in the Cotter's Saturday Night-though they were in the depths of poverty, though they had been out to service during the week; what a contrast between that rude home and the best slave dwelling! From one springs a country's glory and

greatness; from the other, a country's decay, shame, and disgrace.

Take away what there is of earthly happiness growing out of the endearments of home, and how much of human felicity have you left? I look around me, and see scores of men, many of whom have, in homes more or less distant, those dearer than life. Can any one prove to you, gentlemen, by any course of reasoning, that it would be right, under any possible circumstances, to doom those children to the auction block, to be sold like cattle? If I can prove that it is right to take and chattelize another man's children, then he can prove it is right to do the same with mine. Make it right, as an abstract principle, to enslave one human being, and you have broken down the barriers that protect every human being.

I come now to the Constitutional question. The limits that I have assigned myself will not allow a full or even an extended discussion of this point. The President contents himself with declaring, in general terms, that the Constitution regards slaves as property, and adds that this has at last been settled by the highest judicial authority in the land. The Chief Justice, who, according to the Executive, has settled this question, also alludes, in a general way, to the Constitution, and bases his dictum on cotemporaneous history and sentiments, rather than upon anything found in that instrument. Both these gentlemen profess to be strict constructionists of the Constitution. Now, I beg to ask them upon what portion of the Constitution they rely for the support of this property dogma? They say it is in the Constitution. I say it is not in the Constitution; and in the absence of all proof, my say is as good as theirs. In no article, in no section, in no line, word or syllable, or letter, is the idea of property in man expressed or implied. It is a mystery to me how any man could ever believe it; and it is a double mystery to me how an utterance so absolutely untrue and so slanderous towards the framers of the Constitution, could be thrust before the American people from the supreme judiciary, and receive the sanction of the Chief Magistrate. An ancient Roman prince said, that if truth should be driven from every other place, it ought to find a home in the hearts of rulers.

We have fallen upon evil times, when a Chief Justice and a Chief Magistrate deliberately and officially utter what, seemingly, they must know to be untrue. Terrible are the necessities and exactions of slavery! How can these gentlemen help knowing that these declarations are untrue? Do they not contradict the entire history of the country? Do they not contradict the repeated declarations of Madison on this very point? Has he not averred, over and over again, that the idea of property was carefully kept out of the Constitution, so that when slavery should cease to exist in the States, there would be no evidence in that instrument that it had ever existed at all ! And now, this instrument, so instinct with the spirit of Freedom, so abhorring the idea of property in man, that it would not be polluted with the word s'ave, slavery, or servitude, even this Constitution is assumed, by its own inherent force, without any express law or legislative sanction whatever, to carry human chattelism into the Territory of Kansas, and if into the Territory of Kansas, into the State of Kansas; for what right has Kansas, or any other State, to adopt a Constitution that contradicts or invalidates the Constitution of the United States? If the slave-owner holds his slave in Kansas by a tenure derived from the Constitution, I would like to know what power can take it away? If a new State forms a Constitution with a clause prohibiting slavery, and comes and asks admission into the Union with such an organic law, it must be sent back with a mandate to strike out the prohibitory clause, as being

contrary to the Federal Constitution. This has at last been settled by the highest judicial tribunal in the land. And it is a mystery to President Buchanan how any one ever could doubt it. Under this doctrine, carried to its logical results, no more free States could ever be added to the Union. Prob. pudor! To this complexion it must come at last. To this complexion it has come already. The quession now is, whether the country shall be the home of freedom or the lair of slavery; whether the despotism of the fetter and the scourge shall wield the sceptre, and liberty be driven into exile.

But still farther as to this property principle. If human beings are property, as is now claimed, why has Federal legislation declared the slave trade piracy? Is it piracy to go to the coast of Africa and trade in elephants' teeth, or in palm oil, or in any other article of commerce that may be produced there? If this property claim is correct, then this law is unjust, and ought to be repealed, unless it is to be considered in the light of a protective tariff to encourage and promote slave-breeding at home.

More than this: how often is it that when slave-owners lie down upon the death-couch and look the future in the face, they emancipate their slaves! How often do they do it as a reward for some heroic achievement? Did you ever hear of men emancipating their cattle in their last will and testament? Do they ever bequeath freedom to their swine, or extend that precious boon to a Newfoundland dog that had rescued a child

from a watery grave?

Besides, to whom belong all the stray cattle that are without owners in this country? There is certainly a goodly herd of them. How many millions of dollars worth I have not the means at hand of estimating accurately. Perhaps at the instance of the President, the Chief Justice would enter up a judgment against them and issue a capias. They have no rights that are to be regarded. They are property, and all property ought to have an owner. They would bring a goodly sum, hard as are the times, enough to go far towards carrying Pennsylvania for a second term. But I meant to be serious, and I will.

I have no patience with these abhorrent assumptions, for I cannot call them arguments, which claim property in man. Such claims are an insult to the intelligence, the Christianity, and the civilization of the age.

I have a final objection to urge against slavery, and much more against

its expansion. It lies across our country's glory and destiny.

Century after century rolled over the world, nay, whole decades of centuries wore wearily away in earth's history, and the dogma gained universal prevalence and belief that kings ruled by right divine. Dei gratia rex, was engraved on their coin. This dogma was by education incorporated into the common faith and acquired all the strength of a r ligious principle, and all the ardor of a devotional sentiment. I need not recite the unbappy results that flowed to mankind from the prevalence of this dogma. Monarchs wielded a sceptre of iron. The masses were deemed of no value, only as they could minister to the lust, power, or ambition of the ruling class. The Government was not made for them, but they for the Government. Their blood saturated the soil, and their bones enriched it. They had no rights that kings were bound to regard. But the recital of the woes and wrongs inflicted and endured under the supremacy of this notion of the Divine right of kings would be an inimitable story—it would indeed be a history of the human race during the cycles of ages that they have inhabited the globe. Heaven and earth became alike weary of this

state of things. The period arrived when the Great Ruler would introduce a new theory of government. The curtain was to roll up and exhibit a new act in earth's drama. America was the theatre where this manifestation was to be made. The old pilgrim barks, borne as if by a miracle over the angry ocean, came freighted with the elements of a new political life, and the germ of a new national organization. How they planted themselves at Jamestown and at Plymouth you know. How they struggled on in their colonial dependence against forest and savage, and British ag-

gressions, you need not be told. Then came the crisis of our fate! Our ancestors, Cavalier and Roundhead, and I bless their memory, met that crisis manfully, heroically. They came to the revolution, and on its threshold it was that God poured that wonderful illumination over the mind of Jefferson, and inspired the utterance of those everlasting truths. How grandly majestic they come rolling down from the past, baptized in the blood that flowed from patriotic hearts. "We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain inalienable rights; and among these are life, liberty, and the pursuit of happiness." This principle laid the axe at the root of the old and long dominant dogma, that one man, or race of men, was created to be kings or nobles, and another to be perpetual peasants and serfs. It placed them upon the broad level of absolute equality, so far as natural rights were concerned. It does not say all British subjects born on this side of the ocean are equal to those born on the other side of it; it does not say all Englishmen are born equal, or all Frenchmen, or all Dutchmen, or all whitemen, or all townymen, or all blackmen, but ALL MEN. That every human being endowed with a rational existence, created in the image of his God, was equally entitled to life and It is on this principle that criminal jurisprudence rests. The law in its Divine impartiality, exacts the life of the murderer, whatever his position, for that of his victim. Whatever may have been the intellectual endowments of the homicide, however exalted his social position, he must pay the forfeit of his life for slaying the most abject and idiotic of his spe-And why? Because the life of the poor and debased victim was as sacred and inviolable as that of his gifted and exalted slaver. The one was equally entitled to his life as the other. So precisely with regard to liberty. To that every human being is equally entitled.

To protect these rights, Governments are instituted among men. Not to bestow rights are governments instituted among men, but to protect those which God has already given antecedent to all organic forms of government. I do not depend upon parliaments, or kings, or congresses, or majorities for my rights. I hold them direct from the Creator who formed me. So does every human being. The man, or body of men, who take away these rights without the forms of law, unless forfeited by crime, are despots, tyrants and usurpers, and by the very act forfeit their own.

If a man is robbed of these rights it makes no difference whether it is done by one man called a king, or by many men called a majority. I do not subscribe to that translucent phantom of popular sovereignty when it claims the right to enslave men. In a company of a hundred men, have ninety-nine the right to rob the hundredth, provided even it is submitted to them and they have a fair election? A majority of a hundred men, of which I am one, may have the right to make rules which shall operate alike upon us all. But when they come to commend an embittered chalice to my lips, of which they will not themselves partake, then I say they have no right to do it—it is wrong.

If the people of a Territory or of a State will vote that they themselves and their children shall alike be slaves, I am content. But that a majority have the rightful power to take away the natural rights of any one single human being, I deny. Those rights, I repeat, are given and guarded by the common Father of us all. And as the parental instincts go forth with peculiar energy and jealousy toward the unfortunate and less favored member of the family circle, protecting his interests and avenging his wrongs, so the Divine Parent watches with peculiar vigilance over the rights of the weak and hapless ones of earth, and avenges their injuries with a terrible and unusual retribution. Did it never occur to you, gentlemen, that as with the individual, so with the nation? Power, elevation, rare endowment, instead of conferring privileges and prerogatives, impose obligation. The All-Wise is the All-Good as well; and it is His goodness that claims our adoration. And that one expression, which we have been taught to lisp in childhood, and to utter in the strength of years-" Our Father"is the Magna Charta of human brotherhood and of human equality before God and before the law.

What now is our country's duty, destiny, and true glory? To go marguding over the territories of weaker nations like buccaneers and picaroons, to extend the area of slavery; to hunt down fugitive slaves and take them back, manacled, to bondage; to break down the dykes of freedom and let the dark and ensanguined waters of slavery rush in a destructive flood over the land? No! In the name of the fathers, in the name of the Constitution, in the name of the Declaration, in the name of our dignity and position, and in the name of God, no! The true mission of this nation, the work assigned, the trust committed, is to reduce to organic form as we have already done, and now to illustrate before the world, the great and ever-enduring truths that I have recited, and thus to exemplify before the nations of the earth the principles of civil and religious freedom and equality, and so teach them that their monarchies and despotisms are usurpations. I never read that Declaration but with new admiration and delight. So comprehensive, yet so full. Embracing the entire Divine theory of human government in a single paragraph. All men endowed by their Creator with an equal title to life, liberty, and the pursuit of happiness! Governments instituted among men to secure these rights, deriving all their just powers from the consent of the governed!

We hear about keeping step to the music of the Union. Sir, go build a huge organ on the shelving sides of the Rocky Mountains, and let the angel of liberty strike its keys and chant forth that sublime and grand old anthem of universal freedom; and then, as its notes roll over the land, solemn and majestic, in God's name, Sir, I will keep step to the music of the Union. It is a divine symphony. But when you call upon me to keep step to the sound of clanking chains, and of human manacles, to the wild shrick of human agony and suffering, I cannot do it. It grates upon me like the very dissonance of hell. I cannot keep step to such

music.

And now, Sir, why do we stand thus proudly pre-eminent among the nations of the earth? Whas this nation been led to a position so grand and enviable? Is it because God is any respecter of persons or of nations? Not that; but because He has a grand work for us to do—to lead the world to freedom and glory; to the conscious possession and unmolested enjoyment of rights divinely given. And why should we abandon this position? Why are we called upon to betray the high and solemn trusts

committed to our care by the Most High? Why are we asked to wheel around from the van in the progress of a Christian civilization, and with muffled drums and drooping colors march back a decade of centuries into the darkness and barbarism of the past? Why should we, by our refusal to fulfil the destiny plainly marked out for us by the finger of God, yield the honor of earth's renovation to some other people? What is to reward us for all this shaue, loss of position and recreancy to heaven-confided trusts? Will the clank of human fetters on the plains of Kansas, and the wail of man's despair on the Pacific shore, compensate us for this sacrifice?

Oh, how much more noble and heroic for those who have it in their power to say, in God's name, this evil must be removed. What a future then flashes on our country! In those ages to come, by a natural process of assimulation and peaceful expansion, we shall conquer and possess the entire continent. The genius of Freedom, on some lofty peak of the Rocky Mountains or the Andes, should look abroad, northward and southward, eastward and westward, and behold one vast ocean of republics, bound together by the federal compact,

"Distinct like the billows, yet one like the sea."

And as the recording angel dropped a tear of sorrow on the good man's oath, and blotted it out forever, so the genius of History, when she came to trace our record, would drop a tear of regret, and blot out the fact that Slavery ever existed. With this result in view, the Constitution was formed.

Shades of the departed, hovering around this Hall, I bless your memories for that Constitution.

Mexican Affairs.

Deplorable Condition of Mexico—Interference in her Affairs becoming
Necessary—Plan for a Protectorate, &c.

Washington, Monday, March 5, 1858.

The affairs of Mexico are attracting a good deal of attention here, and the Administration is frequently discussing plans for the relief of our sister Republic, which for want of a stable Government, seems to have fallen into chronic decay. The time certainly appears to be near at hand when, for the sake of good neighborhood, the Government of the United States will be compelled to adopt some active measures for the abatement of the nuisance which our sister Republic is becoming, rather than being a liberal contributor, as she should, to the general stock of prosperity and wealth. Good and reliable government, to give security to life and property, is all Mexico needs to make her prosperous, wealthy and happy. Her internal resources are rivaled nowhere. Her soil and climate are excellent, and both mines and facilities for manufacturing abound throughout her domain. But all lie undeveloped, simply because few are willing to risk their lives or their capital in developing these resources, in a country where a political storm may at an hour's notice deprive them of everything.

Notwithstanding the improvidence and profligacy of Mexico, and crude as is her development, her revenues from customs alone could have been farmed out years ago for \$12,000,000 per annum, and there is no doubt that an honest and economical administration of the Custom Department

would add twenty per cent, to this amount. \$8,000,000 of this should be sufficient for the expenses of the Government, leaving from four to six millions with which to pay the interest on the public debt, and finally extinguish it, while now she is, in fact, bankrupt, unable to pay her interest even, and continually becoming more and more involved. At present the revenues are squandered in the most shameful manner, much of them, in fact, exhausted in the schemes of petty politicians to retain or maintain position in the Government. Put an end to all that by some plan which shall insure a permanent and honest administration of affairs, and Mexico is at least capable of discharging all her obligations as a member of the family of nations.

But she is capable of much more than this. Give the needed security to life and property, and a single branch of her industry—that of mining will add from twenty to thirty millions of silver per annum to the present supply. It is unnecessary to moralize upon the beneficial effect that this accretion of the precious metals would have upon the business of all commercial nations. It is sufficient to suggest the vast advantages which would flow to Mexico herself from the production of this amount of silver. Not the miner alone would be benefited; but every branch of human industry would thrive under its influence, and a healthful immigration would flow into Mexico, and in a few years establish her as a first class power among the nations. Why should this not be? What does she lack but men, capital and enterprise? Absolutely nothing. Nature has done for her all that could be asked. The man of enterprise finds there a charming climate, all the elements of civilization, society and cultivated soil; and, when we remember the dream-like prosperity of California, based entirely upon mineral wealth-notwithstanding the pioneers there had to contend with an unbroken wilderness-what may we not expect of more favored Mexico, if her Government is only placed upon a basis which will secure to her the benefits of enterprise similar to that which has made a great and powerful State of California?

With all these elements of wealth and prosperity, Mexico, nevertheless, is bankrupt, convulsed by petty revolutions, cursed by the most shameless corruption of her officials, unable to pay her debts, and rapidly sinking lower and still lower into the pit of ruin. At this very hour she is looking to the United States for pecuniary aid to enable her to retrieve present difficulties, and again establish some sort of government. So desirable is it to us that order should reign there, that our people might be willing to let her have the money, if it would effect any permanent good result and could be satisfactorily secured; but we cannot purchase her territory as heretofore. The day for that has passed, as Mr. Buchanan will find, if he ever succeeds in his plan of negotiating a treaty for the acquisition of Sonora.

We cannot aid Mexico by purchasing her territory, or even by loaning her money on a pledge of territory,—for that would be eventual acquisition. Still Mexico must have money, and it is idle for us to say that we care not where she gets it,—for we do care. She is already responsible to the United States in large amounts for outrages committed upon American citizens; and our Government must insist upon their settlement at some time or other, or assume the liquidation. England, too, will be likely to step in ere long to rescue something from the "sick man's" estate for the satisfaction of her holders of Mexican Bonds.

Upon further examination, I find that these bonds amount to upwards of fifty millions of dollars, the interest upon which, originally was five per cent. After the treaty of Guadalupe Hidalgo—in 1850, I think Mexico paid some two or three millions arrears of interest, out of the indemnity fund. About this time, Paynos, then Secretary of the Treasury of Mexico, went to Europe, and made a compromise with the bondholders, in which it was agreed that the rate of interest should be reduced to three per cent. per annum, and that then Mexico would set apart twenty-five per cent. of all her receipts from customs for the payment of the interest, and towards the gradual extinction of the principal. Notwithstanding this liberal conduct on the part of the bondholders, Mexico has proved faithless to the contract, permitting the revenues to be embezzled at one time, and to be seized by revolution at another, so that five millions dollars of unpaid interest have already accumilated since the compromise, and been added to the upwards of fifty millions of principal.

These statistics are important, because they show the necessity which must compel England, at no distant day, to take some measures for the collection of her indebtedness, by a seizure of territory or the establishment of a Protectorate, unless the United States shall relieve her of the necessity. They furnish too, one important clue to the sentiments expressed by the London Times, and controverted by no European press, so far as I

am aware, in favor of the absorption of Mexico by the United States.

The Americans will not permit England to establish a protectorate, nor

to absorb the Mexicans. Certainly not, unless we are prepared to accept the most offensive violation of the celebrated Monroe doctrine, and to permit the establishment of British influences over our sister Republic argreater than those, the exercise of which in Mosquito and the Bay Islands,

we have been contesting for a dozen years.

But we cannot play the dog in the manger. If we will not permit Great Britain to collect her debt in that way, we must suggest some other method of securing it to her, or become responsible ourselves. The question how this can be done, is one that must be discussed and settled soon; and its solution may solve also the troubles of our neighbor, and make of her a powerful and profitable ally, if we are only bold enough to grapple with the subject, and to carry out a radical policy. Under all the circumstances, has not the time arrived when it behooves the United States to consider whether or no we ought not assume a protectorate over Mexico, and by the exercise of our moral influence, secure her the stability and good government which alone can save her from dissolution, and enable her to fulfil her obligations as a member of the family of nations? Something must be done; and the simple query is, whether the establishment of the protectorate would not be, on all accounts, the best thing. The details of such a plan are easy of comprehension, and the case of the Ionian Islands may furnish a precedent. The Islands became a nuisance of bad neighborhood; and, accordingly, by the Treaty of Paris, in 1815, it was agreed that Great Britain should assume a protectorate over them, which was done; and since that time the Ionian Islands have gone on peacefully and prosperously.

In the case of Mexico, the United States might nominate Comonfort, or any other housest and capable man who has received the suffrages of the people, as the Chief Magistrate of the Republic. In all other respects, the present form of government might be preserved; but it would be understood that the United States would protect the Government and maintain

it against popular tumult. The garrisons of the country would pass into the hands of the protecting power, and be manned by the latter with troops enlisted for that special service, the effect of which would be always to keep before the disorganizers the hopelessness of any attempt to gratify their own ambition through the prostration of one Government and the revolutionary elevation of another. The expense of all this would of course be borne by Mexico herself, and be far less than the present cost of her army, which contributes more than any other single element to the success of the petty revolutions which are destroying the life of the nation.—New York Times.

The True Issue.

Will either of our dough-faced democratic cotemporaries please inform us whether they are opposed to the further extension of slavery in this Republic? whether they consider Negroes human beings? and whether they believe (as proclaimed by our Declaration of Independence) that "all men are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness?" If they believe this, by what right is any man, black or white, made a slave? And why do they, and Judge Taney, and the so-called democratic party, seek to shield their proscription and enslavement of the colored man, behind color, and imputed inferiority? Nay, why go farther, and indirectly proscribe labor and laboring men, without regard to color or condition. Look at it as you will, turn it over and analyze it as you please, yet in its practical application, bearing and effect, it is the enslavement and proscription of labor and laboring men. No casuist can make less of it than this; and if those who read Judge Taney's decision will, where it declares that "colored" men have no rights which "white men" are bound to respect, substitute "laboring" for colored-and "idlers" for white men, the real merit and intent of the decision will be arrived at.

The colored man is not enslaved because he is colored. His color makes him an object of antipathy, renders him friendless and despised, and therefore makes his enslavement possible, and it is done. He is enslaved because he represents in his person intelligent human labor, and his color is made the pretext for the outrage, just as the Arabs make the "infidelity" of Christians a pretext and justification for plundering them of their goods. Christians, they say, have no rights which an Arab is bound to respect.

No "chattel" brings as much on the block as the slave—and it is a singular fact in confirmation of our position—that the slave-dealers never dwell upon the "inferiority" or the midnight "color" of their property as recommendations to purchasers—but on the contrary are glad to be able to exhibit them as of light complexion, and to recommend them as sprightly and intelligent, and if they can endorse them as "Ministers of the Gospel" or "Mechanics," they esteem it all the better. And wherefore? Simply because the more intelligent human labor the man represents, the more valuable he becomes in the market. The very conditions which Judge Taney assumes to be reasons and justifications for slavery, are the very things which most depreciate the value of slaves, and are carefully ignored in offering them for sale.

Whatever may be the language of Judge Taney's decision, a very superficial examination will show, that his condemnation of men to perpetual servitude, has no reference whatever to color or inferiority, but is entirely independent of both. If it were color, then an indubitably white complexion, a blue eye, and straight hair, should always entitle their possessor to freedom. And if it were inferiority, then wherever superiority is plainly manifest, the person should be free. But is such the case? Pick up any southern paper you please, and you will find advertised as run-away slaves, persons who cannot be distinguished from the Caucassians, but must be identified by other means; and the cases on record are innumerable where such are held as slaves. And if to-day an individual were before Judge Taney, on the question of being remanded to slavery, were his complexion as white as the snows of the frosty Caucasus, it would avail him nothing against an affidavit, that he owed service on a rice or cotton plantation. What hypocrisy is it then to talk about color as the basis for slavery, when the very men who make the plea, ignore it in their practice every hour of their lives.

Again, as to inferiority, take a case: Frederick Douglass, we apprehend, will, by common consent, be admitted to be superior to at least nine-tenths of this party who would proscribe him. Yet, to-day, had not kind friends in England purchased and presented him to himself, Judge Taney would, without a moment's hesitation, remand him to perpetual slavery. And his condition is that of thousands of others, who are sensible, intelligent, industrious, temperate and enterprising Christian men.

What a miserable dodge, then, is it for Judge Taney, or the democratic

party, to shield their proscription behind color and inferiority.

We say again, view it as you will, it is simply a matter of the degradation and enslavement of *labor*, and in its *principle*, of very necessity, involves every man who labors—and the question becomes, and is one really, not of color or inferiority, but of the subjugating, degradation and enslavement of *labor*.

And yet the party that stands thus with its heel upon the neck of labor, claims to be the democratic party. Is it entitled to the claim? An oppression of labor, even through the means by which labor thrives, has always been assumed to involve aristocracy; and yet we have here an oppression which extends to the laborer himself. Can there be a lower depth of despotism?

Will the North West, and the Express and Herald answer our questions, and then canvass our conclusions? But how can we expect this from editors who always dodge the real questions at issue, and whose only argument is, that some "horrible Black Republican," or some "infatuated Freedom Shrieker," said some awful things, or performed some horrible act?

An American Protectorate Over Mexico.

Quite an excitement is springing up in Washington, New York, and the sea board, over the proposition to establish a protectorate over Mexico, by this country. The reasons urged therefor are, that it would provide for the payment of the creditors of Mexico, secure the development of her unbounded resources, and place her beyond the reach of those constant revolutions which render progress and prosperity utterly impossible.

The argument in favor of these suggestions, set forth, that the proposed protectorate does not involve any further acquisition of territory, nor any change in the distribution of political power in the United States, nor will it introduce Mexicans into the Senate or House of Representatives. All

that is sought is, simply a matter of advice and control. Thirty years' experience proves that Mexico is utterly incapable of governing herself. Government there is a farce, revolution and anarchy; it is an incessant struggle between contending factions—military leaders and priests—the common object being plunder of the people. The welfare of the people, the promotion of industry, the increase of commerce, the establishment of manufactures, are not considered in the least.

For the United States to annex Mexico would bring ruin upon ourselves. She would throw forty Senators and seventy Representatives into Congress, speaking a foreign language, and holding principles inimical to American institutions and freedom. A protectorate would confer upon us all the benefits of enlarged trade and commerce that could possibly be gained by annexation, while we would escape all the evils the latter would inflict.

The friends of the protectorate scheme sum up their arguments thus:

"The Republic of Mexico is dying. We must either succor her-let her be succored by an European power upon terms disadvantageous to our own interests-or permit her to fall to pieces, and grab a portion of her territory, which we don't want, to satisfy our demands against her. We can succor her only by a protectorate, or by an acquisition of territory. The latter is impolitic, to say the least. The advantages of the protectorate are these: First-It would cost us nothing, because Mexico would pay all its Second-It would give us the desired good neighborhood without having to purchase territory, and with it a national partisan excite-Third-The payment of money for a purchase of territory, if made, would only afford temporary relief, and in a few years we should be called upon just as imperatively for further aid, and the condition of Mexico will not have improved a whit. Fourth-Under the protectorate, which would cost us no more than the endorsement of A, No. 1 paper costs an endorser, Mexico would be so developed, as to become to us a great and profitable customer, as well as a valued friend and ally."

It is further stated, that so far from England interposing objections, she is anxious that the United States should take Mexico under her protection. The latter owes British bondholders sixty millions of dollars, and is paying neither principal nor interest. The London Times, the organ of British sentiment, in a recent article upon this subject, used the following signifi-

cant language in regard to it:

"Mexico has now arrived at a point at which any convulsion may improve the prospect of her foreign creditors. In the present state of things they can have no hope, and their great dread, therefore, must be lest it is should be perpetuated. If some new military dictator were to arise, or the country were to be absorbed, without more delay, by the United States, their treatment could not be worse, and it might, especially in the latter case, be much better. * * * Let the United States, when they are finally prepared for it, enjoy all the advantages and responsibility of ownership, and our merchants at Liverpool and elsewhere, will be quite content with the trade that will spring out of it. The capacity of the Mexican population for appreciating a constitutional rule, is not so remarkable that we should volunteer to administer it."

We give the foregoing as the views and arguments of those who favor the project, and reserve our own opinions for a subsequent occasion. The reader who desires to hear anything more on the subject, will find an article from the New York Times in another column. The rumor that Senator Seward is preparing a speech in favor of the protectorate sheme, we hardly

credit .- Chicago Tribune.

Is it Slavery or State Rights?

Failing in the attempt to drive the Lecompton Constitution wholesale down the throats of those who believe that the majority of the people of a State have some constitutional rights touching the making of the laws by which they are to be governed, a most insidious and reckless attempt is being made to arouse all the latent antipathies of extremists, North and South, by proclaiming that the question before Congress is one of slavery or non-slavery.

Nothing more unjust, untrue, or ungenerous, could well be devised; or, being devised, publicly offered for the consideration of either Congress or the people at large. The slavery question has nothing whatever to do with it; and the South, if it goes off on what the Herald sneeringly calls its

"abstraction," will have deep and serious cause of repentance.

The old adage says, "marry in haste and repent at leisure." If this hollow-cheeked and consumptive Lecompton Constitution, however padded up and painted for the bridal occasion, be wedded by the Democracy, the latter will have soon and sudden a lengthy widowhood for repentance. It will behold the projects of its manhood overthrown, its household gods leveled, and the foundation of its hopes blasted; for the offspring begat of the temporary union will all have in them the seeds of that constitution-wrecking disease, which no healing power can eradicate, nor fate itself alter. Under

any circumstances, the disease can only be prolonged.

The Union admits, the Herald admits, the members of Congress who are luring the Democracy to this wretched and unwholesome alliance admit, that the reversion of the Lecompton Constitution is inevitable; that the people of Kansas can kill it and will kill it as soon almost as we have recognized its political life. Why, then, should the stalwart Democratic party be allied to a corpse—to a painted bauble that tempts the eye, but "turns to ashes on the lips?" It was not by such alliances that the hardy children—the warriors and statesmen of this Republic—were produced. It was not by such alliances that souls were born of the Republic that expanded its area North and South, and carried the truths of Democratic self-reliance and State-rights individuality, that have made this country the rivial not alone of any one European nation, but all Europe combined, and the wonder of even itself as well as of the world. It could not act otherwise, even though it could scarcely account for the magic strides by which it stalked into prominence, dignity and wealth.

The seeds were implanted in the offspring which had made the fathers of the Republic invulnerable. They were born almost with arms in their hands, and the divine spark of individual sovereignty in their hearts. This magnificent providence which made each man, as it were, a responsible sovereign of the nation, created a Democratic community in which we all only truly breathe by not crushing the right of breathing out of our neighbor. This individual right is the soul of what, being applied to localities, is termed State-rights. This State-rights doctrine has been more than anything else the sentinel of Southern rights and the bulwark of Southern in stitutions. What Magna Charta was to the barons of England, State-rights has been to the Southern States. Being exactly the reverse of Federalism, it defied that intervention in States' affairs, which would make the latter only appendages of the city of Washington. The States form a

ring on which Washington is affixed as a seal. It is an appendage of these States, not the reverse.

The Democracy, who so reverence their State-rights birth-right, cannot be blinded or seduced into any such belief as that the issue hanging on its fiat embraces any question of slavery. We who are Southern in every sentiment where the rights of the South are concerned, in vain try to see the slightest connection of the slavery question with the reception or rejection of the Lecompton Constitution. We would be untrue to Southern instincts, feelings and education, if we received it; and, in rejecting it, we signalize our career by upholding in a moment of danger and doubt, the sound and healthy doctrines of States-rights.

It is with the will of the ballot-box, and not with the extension of slavery we have to do. No single man or journal, opposed to our views, gives the faintest hope that slavery extension could or would accrue from the measures they advocate. On the contrary, they all with one voice admit the reverse. They also admit that a vote was polled of ten thousand majority against the Lecompton Constitution; and in extenuation of their opposing this majority, go off into the most incoherent quibbles to show that the election was not legal. We have shown from a consecutive and simple argument on the facts, that the election was not only held by authority of the Territorial Legislature, but by the sanction and under the protection of the Federal Government; and that, further, the Federal official duly signed and published his ten thousand majority against the Constitution.

Where then comes the question of slavery?

The question is reduced then, it would seem, to Honesty versus Policy. But in the shadowy policy propounded we cannot see any benefit. Will the admission of Kansas, under the Lecompton Constitution, extend slavery? The Lecompton Constitution advocates say it will not. Will it end the slavery agritation? Not more than if it were rejected.

Then where is the great policy of the South—where?

No, slavery is not the issue at all. It is a question of State-rights, in which the Southern, as well as the Northern Democracy, will find that honesty is the best policy.—Washington States.

Renegades.

The Union of yesterday denounces Mr. Harris, of Illinois, and other Democrats who sustain his resolutions to investigate the facts connected with the formation of the Lecompton Constitution, as renegades.

This is a piece of assumption on the part of a journal which, for the past ten months, has been the quintessence of imbecility and inconsistency—a journal which has veered and hauled at every point on the Kansas issue, and led off a large portion of the Democracy among quicksands and

The Union asserts that the movement on the part of the opponents of the Lecompton Constitution has been "sectional, insurrectionary, illegal and criminal. Its history has been a history of impudent pretension, bold assumption, and persistent disregard of the Constitution and Government of the United States;" that "Kansas comes here with her Constitution in her hand, asks admission into the Union," and should not be rejected on account of the "non-submission of the whole Constitution to the people" of Kansas.

On the 7th of July last, the Union stated that "there can be no such thing as ascertaining clearly, and without doubt, the will of the people of Kansas in any voy, except by their own expression of it at the polls. A Constitution not subjected to that test, no matter what it contains, will never be acknowledged by its opponents to be anything but a fraud."

If the Union was correct in July last, who is the renegade now ?-

Washington States.

England Invites the United States to Annex Mexico.

The London Times, the national organ of John Bull, throws out a strong hint to Brother Jonathan to take possession of Mexico, and put an end to the distractions and anarchy in that unhappy country. It says that should the United States conclude to swallow Mexico, England would not interfere to prevent it. We copy the article, as it is the most significant

we have vet seen from that quarter:

The London Times, of February 7th, speaking of the claims of the English creditors of Mexico, makes the following observations: In the recent speech of the Queen of Spain, says the Times, a formal announcement was made that the intervention of Great Britain and France has been accepted in the dispute with Mexico, and it will be for the respective Cabinets to consider whether they can properly take any steps that may modify the fate of such a country without recognizing an obligation to see that their interference shall not work injustice to existing private interests. Mexico has now arrived at a point at which any convulsion may improve the prospect of her foreign creditors. In the present state of things they can have no hope, and their great dread, therefore, must be lest it should be perpetuated. If some new military dictator were to arise, or the country were to be absorbed without more delay by the United States, their treatment could not be worse, and it might, especially in the latter case, be much better. Hence, if England and France concert measures to sustain the existing authorities by averting the extraordinary changes that would infallibly result from a war with Spain, they are bound in equity to provide that the assistance thus given shall not enable the Mexican Government to continue with impunity their disregard of every obligation and to shut out from their European bondho'ders the last possibility of a favorable turn. As to the bondholders insisting upon having the unappropriated lands of the republic assign d to them as indemnity, and afterwards negotiating with the British Government for the transfer of the territory thus acquired, no plan could be more delusive. In the first place, how are the bondholders to "resist?" and in the next, there is not a statesman who would wish to see Great Britain hamper herself with an inch of Mexican ground. Let the United States, when they are finally prepared for it, enjoy all the advantages and responsibility of ownership, and our merchants at Liverpool and elsewhere, will be quite content with the trade that may spring out of it.

The capacity of the Mexican population for appreciating a constitutional rule is not so remarkable that we should volunteer to administer it. All that can be considered advisable is, that if President Comonfort is to be helped by the good offices of England and France, a course should be taken, similar to that lately enforced at Montevido, to secure that the portion of Customs' dues solemnly and voluntarily pledged to the bondholders,

shall no longer be embezzled.

Taney in 1843 vs. Taney in 1857.

Chief Justice Taney turns Dred Scott out of Court on the ground that he is a negro and a slave, and consequently not a citizen and not entitled to sue in the U. S. Courts, even to recover his freedom—the Court having no jurisdiction in such cases. The best answer to this is Chief Justice Taney's own decision in a similar case, that came before him in 1843.

James Asha, a Maryland negro and slave, sued for his freedom in the Circuit Court of the District of Columbia, as Scott did in that of Missouri. The case was in like manner carried up to the United States Supreme Court. But it met with a different reception and a different

decision.

Mr. Chief Justice Taney delivered the opinion of the Court. [We quote

from William vs. Ash. Howard's Reports, vol. 1, pp. 12, 13, 14.]

"This case," said his Honor, "is brought here by writ of error from the Circuit Court, and came before that Court upon a petition for freedom. It appeared upon the trial that the petitioner was the property of Mary Ann Greenfield, of Prince George's County, in the State of Maryland, who died in 1824, having first duly made her last will and testament, whereby, among other things, she bequeathed the petitioner, with sundry other slaves, to her nephew, G. T. Greenfield, with a proviso, in the following words: "Provided, he shall not carry them out of the State of Maryland, or sell them to any one, in either of which events, I will and devise the said negroes to be free for life." Upon the death of the testatrix, G. T. Greenfield took possession of the petitioner, (James Asha,) until December, 1539, when he sold the petitioner to the defendant, (Williams,) and the petition for freedom was filed shortly after the sale.

Upon this evidence, the Circuit Court instructed the Jury, that by the fact of such sale of the petitioner, the estate or property of the petitioner so bequeathed to Greenfield, ceased and determined, and he therefore became entitled to his freedom. We think the bequest in the will was a conditional limitation of freedom to the petitioner, and that it took effect the moment he was sold. The judgment of the Circuit Court is therefore

affirmed.

So that this same Chief Justice then held that a negro might not only be a party to a suit before the U. S. Supreme Court, like any other citizen, but that a slave might go there and recover his freedom.

Which is the law—that expounded by Taney in 1843, or his flat contradiction of himself in 1857?—Dubuque (Iowa) Tribune, July 7, 1857.

Abolition of Slavery in Dutch America.

The Dutch possessions on this continent, comprising a portion of Gulana, South America, and several small West India islands, contain some 55,000 slaves, who are to be emancipated under a recent act of the home government. The slaves are to be free in one year after the publication of the law, the government making a fixed compensation for them, but much less than the market rates. The highest price is \$280, for those between the age of 25 and 35. The slaves are to be transferred to the charge of the government, acting by special agents. They are to repay the sums ad-

vanced for their freedom, and those who have the means may free themselves at once. The others are to repay the government in annual instalments. The freed slaves are also to pay annual assessments for the means of education for their children and religious instruction for themselves, and the support of the poor. The slaves are to be hired out by the government agents to the planters, the agents having a general control of the slaves while they are in the transition to freedom. If the planters do not choose to employ them, they are to be settled in colonies on the government lands, under the direction of the agents.

John and Jonathan.

At a dinner recently given to Charles Mackay, at Washington, when "our distinguished guest" was toasted, instead of making a speech in reply, he responded in the following appropriate and beautiful poem:

Said brother Jonathan to John:
"You are the elder born,
And I can bear another's hate,
But not your slightest scorn:
You've lived a life of noble strile,
You've made a world your own,
Why, when I follow in your steps,
Receive me with a groan?

"I feel the promptings of my youth,
That urge me evermore
To spread my fame, my race, my name,
From shore to furthest shore.

I feel the lightnings in my blood, The thunders in my hand, And I must work my destiny, Whoever may withstand.

"And if you'd give me, brother John, The sympathy I crave, And stretch your warm, fraternal hand Across the Atlantic wave,

I'd give it such a cordial grasp
That earth should start to see,
And ancient crowns and sceptres shake
That fear both you and me."

Said brother John to Jonathan:
"You do my nature wrong;
Inever hated, never scorned,
But loved you well and long,
If, children of the self-same sire.
We've quarreled now and then,
T was only in our early youth,
And not since we were men.

"And if with cautious, cooler blood, Result of sufferings keen, I sometimes think you move too fast,

Mistake not what I mean.
I've felt the follies of my youth,
The errors of my prime,
And dreamed for you—my father's son—
A future more sublime.

"And here's my hand, 'tis freely given, I stretch it o'er the brine, And wish you from my heart of hearts, A higher life than mine. Together let us rule the world—

Together work and thrive;
For if you're only twenty-one,
I'm scarcely thirty-five.

"And I have strength for nobler work
Than e'er my hand has done,
And realms to rule and truths to plant

Beyond the rising sun.
Take you the West and I the East,
We'll spread ourselves abroad, [laws,
With trade and spade, and wholesome
And faith in Man and God.

"Take you the West and I the East!
We speak the self-same tongue
That Milton wrote and Chatham spoke,
And Burns and Shakspeare sung;
And from our tongue, our hand, our heart
Shall countless blessings flow,
To light two darkened hemispheres
That know not where to go,

"Our Anglo-Saxon name and fame, Our Anglo-Saxon speech [Heaven, Received their mission straight from To civilize and teach. So here's my hand, I stretch it forth;

So here's my hand, I stretch it forth;
Ye meaner lands, look on! [firm
From this day hence there's friendship
'Twixt Jonathan and John!"

They shook their hands, this noble pair, And o'er the "electric chain". Came daily messages of Peace And love betwixt them twain.

When other nations, sore oppressed,
Like dark in sorrow's night,
They look to Jonathan and John,
And hope for coming light.

PRINTED FOR F. H., 1858.

SPEECH

WILLIAM H. SEWARD,

FOR THE

IMMEDIATE ADMISSION OF KANSAS INTO THE UNION.

SENATE OF THE UNITED STATES, APRIL 9, 1856.

Mr. PRESIDENT: To obtain empire is easy and common ; to govern it well is difficult and rare indeed. I salute the Congress of the United States in the exercise of its most important function, that of extending the Federal Constitution over added domains, and I salute especially the Senate in the most august of all its manifold characters, itself a Congress of thirty-one free, equal, sovereign States, assembled to decide whether the majestic and fraternal circle shall be opened to receive yet another free, equal, and sovereign State.

The Constitution prescribes only two qualifications for new States, namely-a substantial civil community, and a republican Government. Kan-

as has both of these.

The circumstances of Kansas, and her relations bwards the Union, are peculiar, anomalous, and eply interesting. The United States acquired the province of Louisiana, (which included the esent Territory of Kansas,) from France, in 893, by a treaty, in which they agreed that its chabitants should be incorporated into the Fedrul Union, and admitted as soon as possible, acding to the principles of the Constitution, to enjoyment of all the rights, advantages, and nunities, of citizens of the United States. ertheless, Kansas was in 1820 assigned as a ne for an indefinite period to several savage dian tribes, and closed against immigration and other than aboriginal civilization, but not libout a contemporaneous pledge to the Ameripeople and to mankind, that neither Slavery involuntary servitude should be tolerated trein forever. In 1854, Congress directed a remoof the Indian tribes, and organized and opened ansas to civilization, but by the same act re-inded the pledge of perpetual dedication to nedom, and substituted for it another, which de-

modeled and authorized them to establish, under the protection of the United States. Notwithstanding this latter pledge, when the newly associated people of Kansas, in 1855, were proceeding with the machinery of popular elections, in the manner prescribed by Congress, to choose legislative bodies for the purpose of organizing that republican Government, armed bands of invaders from the State of Missouri entered the Territory. seized the polls, overpowered or drove away the inhabitants, usurped the elective franchise, deposited false and spurious ballots without regard to regularity of qualification or of numbers, procured official certificates of the result by frand and force, and thus created and constituted legislative bodies to act for and in the name of the people of the Territory. These legislative bodies afterward assembled, assumed to be a legitimate Legislature, set forth a code of municipal laws, created public offices and filled them with officers appointed for considerable periods by themselves. and thus established a complete and effective foreign tyranny over the people of the Territory. These high-handed transactions were consummated with the expressed purpose of establishing African Slavery as a permanent institution within the Territory by force, in violation of the natural rights of the people solemnly guarantied to them by the Congress of the United States. The President of the United States has been an accessory to these political transactions, with full complicity in regard to the purpose for which they were committed. He has adopted the usurpation, and & made it his own, and he is now maintaining it with the military arm of the Republic. Thus Kansas has been revolutionized, and she now lies subjugated and prostrate at the foot of the President of the United States, while he, through the agency and that the [future] people of Kansas should of a foreign tyranny established within her boy-left perfectly free to establish or to exclude advery, as they should declide through the action. Slowery there, in contempt and defiance of the a republican Government which Congress organic law. These extraordinary transactions

have been attended by civil commotions, in | sas into the Union. All these proceedings had which property, life, and liberty, have been exposed to violence, and these commotions still continue to threaten not only the Territory itself, but also the adjacent States, with the calamities and disasters of civil war.

I am fully aware of the gravity of the charges against the President of the United States which this statement of the condition and relations of Kansas imports. I shall proceed, without fear and without reserve, to make them good. The maxim, that a sacred veil must be drawn over the beginning of all Governments, does not hold under our system. I shall first call the accuser into the presence of the Senate-then examine the defences which the President has made-and, last, submit the evidences by which he is convicted.

The people of Kansas know whether these charges are true or false. They have adopted them, and, on the ground of the high political necessity which the wrongs they have endured, and are yet enduring, and the dangers through which they have already passed, and the perils to which they are yet exposed, have created, they have provisionally organized themselves as a State, and that State is now here, by its two chosen Senators and one Representative, standing outside at the doors of Congress, applying to be admitted into the Union, as a means of relief indispensable for the purposes of peace, freedom, and safety. new State is the President's responsible accuser.

The President of the United States, without waiting for the appearance of his accuser at the capital, anticipated the accusations, and submitted his defences against them to Congress. The first one of these defences was contained in his annual message, which was communicated to Congress on the 30th of December, 1855. I examine it. You shall see at once that the President's mind was oppressed-was full of something, too large and burdensome to be concealed, and yet too critical to be told.

Mark, if you please, the state of the case at So early as August, 1855, the people of Kansas had denounced the Legislature. They had at voluntary elections chosen Mr. A. H. Reeder to represent them in the present Congress, instead of J. W. Whitfield, who held a certificate of election under the authority of the Legislature. They had also, on the 23d day of October, 1855, by similar voluntary elections, constituted at Topeka an organic Convention, which framed a Constitution for the projected State. They had also, on the 15th of December, 1855, at similar voluntary elections, adopted that Constitution, and its tenor was fully known. It provided for elections to be held throughout the new State on the 15th of January, 1856, to fill the offices created by it, and it also required the Executive and Legislative officers, thus to be chosen, to assemble at Topeka on the 4th day of March, 1856, to inaugurate the new State provisionally, and to take the necessary means for the appointment of Senators, who, together with a Representative already chosen, should submit the Constitution to Coggress at an early day, and tice concerning them early worked out a correspply for the admission of the State of Kan-ponding difference of conditions, interests, and

been based on the grounds that the Territorial authorities of Kansas had been established by armed foreign usurpation, and were nevertheless sustained by the President of the United States. A constitutional obligation required the President "to give to Congress," in his annual message, "information of the state of the Union." Here is all "the information" which the President gave to Congress concerning the events in Kansas, and its relations to the Union:

"In the Territory of Kansas there have been acts prejudicial to good order, but as yet none have occurred under circumstances to justify the interposition of the Federal Executive. That could only be in case of obstruction to Federal law, or of organized resistance to Territorial law, assuming the character of insurrec-' tion, which, if it should occur, it would be my duty promptly to overcome and suppress. cherish the hope, however, that the occurrence of any such untoward event will be prevented by the sound sense of the people of the Territory, who, by its organic law, possessing the right to determine their own domestic institutions, are entitled, while deporting themselves peacefully, to the free exercise of that right, and must be protected in the enjoyment of it, without interference on the part of the citizens of any of the States."

This information implies, that no invasion, usurpation, or tyranny, has been committed within the Territory by strangers; and that the provisional State organization now going forward is not only unnecessary, but also prejudicial to good order, and insurrectionary. It menaces the people of Kausas with a threat, that the President will "overcome and suppress" them. mocks them with a promise, that, if they shall hereafter deport themselves properly, under the control of authorities by which they have been disfranchised, in determining institutions which have been already forcibly determined for them by foreign invasion, that then they "must be protected against interference by citizens of any of the States."

The l'resident, however, not content with a statement so obscure and unfair, devotes a third part of the annual message to argumentative speculations bearing on the character of his Each State has two and no more Senators in the Senate of the United States. In determining the apportionment of Representatives in the House of Representatives, and in the electoral colleges among the States, three-fifths of all the slaves in any State are enumerated The slaveholding or non-slaveholding character of a State is determined, not at the time of its admission into the Union as a State, but at that earlier period of its political life in which, being called a Territory, it is politically dependent on the United States, or on some foreign sovereign-Slavery is tolerated in some of the States, and forbidden in others. Affecting the industrial and economical systems of the several States, as Slavery and Freedom do, this diversity of practice concerning them early worked out a corresarrayed them into two classes. The balance of political power between these two classes in the Federal system is sensibly affected by the accession of any new State to either of them. Each State therefore watches jealously the settlement, growth, and inchoate slaveholding and non-slaveholding characters of Territories, which may ultimately come into the Union as States. It has resulted from these circumstances, that Slavery, in relations purely political and absolutely Federal. is an element which enters with more or less activity into many national questions of finance, of revenue, of expenditure, of protection, of free trade, of patronage, of peace, of war, of annexation, of defence, and of conquest, and modifies opinions concerning constructions of the Constitution, and the distribution of powers between the Union and the several States by which it is constituted. Slavery, under these political and Federal aspects alone, enters into the transactions in Kansas, with which the President and Congress are concerned. Nevertheless, he disingenuously alludes to those transactions in his defence, as if they were identified with that moral discussion of Slavery which he regards as odious and alarming, and without any other claim to consideration. Thus he alludes to the question before us as belonging to a "political agitation" "concerning a matter which consists to a great extent of exaggeration of inevitable evils, or over-zeal in social improvement, or mere imagination of grievance, having but a remote connection with any of the constitutional functions of the Federal Government, and meaning the stability of the Constitution and the integrity of 'Union.'

In like manuer the President assails and stigmatizes those who defend and maintain the cause of Kansas, as "men of narrow views and sectional purposes," " engaged in those wild and chimerical schemes of social change which are generated one after another in the unstable minds of visionary sophists and interested agitators" "mad men, raising the storm of frenzy and faction." " sectional agitators," "enemies of the Constitution, who have surrendered thouselves so far to a fauntical devotion to the supposed interosts of the relatively few Africans in the United States, as totally to abandon and disregard the interests of the twenty-five millions of Americans. and trample under foot the injunctions of moral and constitutional obligation, and to engage in plans of vindictive hostility against those who we associated with them in the enjoyment of the common heritage of our free institutions." the President's defence on this occasion, if not a matter simply personal, is at least one or temporary and ephemeral importance. Possibly, all the advantages he will gain by transferring to his accuser a portion of the popular prejudice against Abolition and Abolitionists, can be spared to him. It would be wise, however, for those whose intertels are inseparable from Shavery, to reflect that Abolition will gain an equivalent benefit from the dentification of the President's defence with their therished institution. Abolition is a slow but trepressible uprising of principles of natural jus-

ambitions, among the States, and divided and | tice and humanity, obnoxious to prejudice, because they conflict inconveniently with existing material, social, and political interests. It belongs to others than statesmen, charged with the care of present interests, to conduct the social reformation of mankind in its broadest bearings. I leave to Abolitionists their own work of self-vindication. I may, however, remind slaveholders that there is a time when oppression and persecution cease to be effectual against such movements; and then the odium they have before unjustly incurred becomes an element of strength and power. Christianity, blindly maligned during three centuries. by-Prætors, Governors, Senates, Councils, and Emperors, towered above its enemies in a fourth; and even the cross on which its Founder had expired, and which therefore was the emblem of its shame, became the sign under which it went forth evermore thereafter, conquering and to conquer. Abolition is vet only in its first century.

The President raises in his defence a false issue. and elaborates an irrelevant argument to prove that Congress has no right-or power, nor has any sister State any right or power, to interfere within a slave State, by legislation or force, to abolish Slavery therein-as if you, or I, or any other responsible man, ever maintained the con-

The President distorts the Constitution from its simple text, so as to make it expressly and directly defend, protect, and guaranty African Slavery. Thus he alleges that "the Government" which resulted from the Revolution was a "Federal Republic of the free white men of the Colonies," whereas, on the contrary, the Declaration of Independence asserts the political equality of all men, and even the Constitution itself carefully avoids any political recognition not merely of Slavery, but of the diversity of races. The President represents the Fathers as having contemplated and provided for a permanent increase of the number of slaves in some of the States, and therefore forbidden Congress to touch Slavery in the way of attack or offence, and as having therefore also placed it under the general safeguard of the Constitution; whereas the Fathers, by authorizing Congress to abolish the African slave trade after 1808, as a means of attack, inflicted on Slavery in the States a blow, of which they expected it to languish immediately, and ultimately to expire.

The President closes his defence in the annual message with a deliberate assault, very incongruous in such a place, upon some of the Northern States. At the same time he abstains, with marked caution, from naming the accused States. They, however, receive a compliment at his hands. by way of giving keenness to his rebuke, which enables us to identify them. They are Northern States "which were conspicuous in founding the Republic." All of the original Northern States were conspicuous in that great transaction. AD of them, therefore, are accused. The offence charged is, that they disregard their constitutional obligations, and although "conscious of their inability to heal admitted and palnable social evils of their own confessedly within their , 'jurisdiction, they engage in an offensive, hope-

'less, and illegal undertaking, to reform the do- | mestic institutions of the Southern States, at the peril of the very existence of the Constitution, and of all the countless benefits which it has 'conferred." I challenge the President to the proof, in behalf of Massachusetts; although I have only the interest common to all Americans and to all men in her great fame. What one corporate or social evil is there, of which she is conscious, and conscious also of inability to heal it? Is it ignorance, prejudice, bigotry, vice, crime, public disorder, poverty, or disease, afflicting the minds or the bodies of her people? There she stands. Survey her universities, colleges, academies, observatories, primary schools, Sunday schools, penal codes, and penitentiaries. Descend into her quarries, walk over her fields and through her gardens, observe her manufactories of a thousand various fabrics, watch her steamers ascending every river and inlet on your own coast, and her ships displaying their canvass on every sea; follow her fishermen in their adventurous voyages from her own and adjacent bays to the icy ocean under either pole; and then return and enter her hospitals, which cure or relieve suffering humanity in every condition and at every period of life, from the lying-in to the second childhood, and which not only restore sight to the blind, and hearing to the deaf, and speech to the dumb, but also bring back wandering reason to the insane, and teach even the idiot to think! Massachusetts, sir, is a model of States, worthy of all honor; and though she was most conspicuous of all the States in the establishment of republican institutions here, she is even more conspicuous still for the municipal wisdom with which she has made them contribute to the welfare of her people, and to the greatness of the Republic itself.

In behalf of New York, for whom it is my right and duty to speak, I defy the Presidential accu-Mark her tranquil magnanimity, which becomes a State for whose delivery from tyranny Schuyler devised and labored, who received her political Constitution from Hamilton, her intellectual and physical development from Clinton, and her lessons in humanity from Jay. As she waves her wand over the continent, trade forsakes the broad natural channels which conveyed it before to the Delaware and Chesapeake bays and to the Gulfs of St. Lawrence and Mexico, and obedient to her command pours itself through ber artificial channels into her own once obscure seaport. She stretches her wand again towards the ocean, and the commerce of all the continents concentrates itself at her feet; and with it, strong and full floods of immigration ride in, contributing labor, capital, art, valor, and enterprise, to perfect and embellish our ever-widening empire.

When, and on what occasion, has Massachusettsor New York officiously and illegally intruded
herself within the jurisdiction of sister States, to
modify or reform their institutions? No, no, sir.
Their faults have been quite different. They
have conceded too often and too much for their
own just dignity and indusone in Federal Administration, to the querulous complaints of the
States in whose behalf the President arraigns
ritory had been abrogated, so that she might attemm. I thank the President for the insult; tempt to colonize it with slaves. Immigrants

which, though so deeply unjust, was perhaps needful to arouse them to their duty in this great emergency.

The President, in this connection, reviews the acquisitions of new domain, the organization of new Territories, and the admission of new States, and arrives at results which must be as agreeably surprising to the slave States, as they are astounding to the free States. He finds that the former have been altogether guiltless of political ambition, while he convicts the latter not only of unjust territorial aggrandizement, but also of false and fraudulent clamor against the slave States, to cover their own aggressions. Notwithstanding the President's elaborated misconceptions, these historical facts remain, namelythat no acquisition whatever has ever been made at the instance of the free States, and with a view to their aggrandizement: that Louisiana and Florids, incidentally acquired for general and important national objects, have already yielded

to the slave States three States of their own class, while Texas was avowedly annexed as a means of security to Slavery, and one slave State has been already admitted from that acquisition, and Congress has stipulated for the admission of four more: that by way of equivalent for the admission of California a free State, the slave States have obtained a virtual repeal of the Mexican law which forbade Slavery in New Mexico and Utah; and that, as a consequence of that extraordinary legislation, Congress has also reseinded the prohibition of Slavery, which, in 1820, was extended over all of that part of Louisiana, except Missouri, which lies north of 36° 30' of north latitude. Sir, the real crime of the Northern States is this: they are forty degrees too high on the arc of north latitude.

I dismiss for the present the President's first defence against the accusation of the new State of Kansas.

On the 24th of January, 1856, when no important event had happened which was unknown at the date of the President's annual message, he submitted to Congress his second defence, in the form of a special message. In this paper, the President deplores, as the cause of all the troubles which have occurred in Kansas, delays of the organization of the Territory, which have been permitted by the Governor, Mr. Reeder. The organic law was passed by Congress on the 31st of May, 1854, but on that day there was not one lawful elector, citizen, or inhabitant, within the Territory, while the question, whether Slavery or universal Freedom should be established there, was devolved practically on the first Legislative bodies to be elected by the people who were to become thereafter the inhabitants of Kansas. The election for the first Legislative bodies was appointed by the Governor to be held on the 30th of March, 1855; and the 2d day of July, 1855, was designated for the organization of the Legislative Assembly. The only civilized community that was in contact with the new Territory was Missouri, a slaveholding State, at whose instance the prohibition of Slavery within the Territory had been abrogated, so that she might at-

States, but also from all other parts of the world, with a pledge that the people of the new Territory should be left perfectly free to establish or prohibit Slavery. A special election, however, was held within the Territory on the 29th day of November, 1854, without any preliminary census of the inhabitants, for the purpose of choosing a Delegate who might sit without a right to vote in Congress, during the second session of the Thirty-third Congress, which was to begin on the first Monday of December, 1854, and to end on the third day of March, 1855. Mr. J. W. Whitfield was There were vehement certified to be elected. complaints of illegality in the election, but his title was nevertheless not contested, for the palpable reasons, that an investigation under the circumstances of the Territory, during so short a session of Congress, would be impossible, and that the question was of inconsiderable magnitude. Yet the President laments that the Governor neglected to order the first election for the Legis-lative bodies of the new Territory to be held simultaneously with that hurried Congressional election. He assigns his reasons : "Any question appertaining to the qualifications of persons voting as the people of the Territory would (in 'that case, incidentally) have necessarily passed under the supervision of Congress, (meaning the ' House of Representatives.) and would have been determined before conflicting passions had been inflamed by time, and before an opportunity would have been afforded for systematic interfer-'ence by the people of individual States." Could the President, in any explicit arrangement of words, more distinctly have confessed his disappointment in failing to secure a merely formal election of Legislative bodies within the Territory, in fraud of the organic law, of the people of Kansas, and of the cause of natural justice and humanity?

The President then proceeds to launch severe denunciations against what he calls a propagandist attempt to colonize the Territory with opponents of Slavery. The whole American Continent has been undergoing a process of colonization, in many forms, throughout a period of three hundred and fifty years. The only common element of all those forms was propagandism. Were not the voyages of Columbus progagandist expeditions, under the auspices of the l'ope of Rome? Was not the wide occupation of Spanish America a propagandism of the Catholic Church? The settlement of Massachusetts by the Pilgrims; of the New Netherlands by the Reformers of Holland; the later plantation of the Mohawk valley by the Palatines; the establishment of Pennsylvania by the Friends; the mission of the Moravians at Bethlehem, in the same State; the foundation of Maryland by Lord Baltimore and his colony of British Catholics; the settlement of Jamestown by the Cavaliers and Churchmen of England; that of South Carolina by the Huguenots: Were not all these propagaadist colonizations? Was not Texas settled by a colony of slaveholders, and California by companies of freemen? Yet never of the United States, as it is a right of every free-before did any Prince, King, Emperor, or Prest- man in the world. The State that denies this dent, denounce such colonizations. Does any right is a tyranny—the subject to whom it is de-

were invited not only from all parts of the United | law of nature or nations forbid them? Does any public authority quarantine, on the ground of opinion, the ships which are continually pouring into the gates of New York whole religious societies from Ireland, Wales, Germany, and Norway, with their pastors, and clerks, and choirs?

But the President charges that the propagandists entered Kansas with a design to "anticipate and force the determination of the Slavery ' question within the Territory," (in favor of Freedom,) forgetting, nevertheless, that he has only just before deplored a failure of his own to anticipate and force the determination of that question in favor of Slavery, by a coup-de-main, in advance even of their departure from their homes in the Atlantic States and in Europe. He charges, moreover, that the propagandists designed to "prevent the free and natural action of the inhabitants in the intended organization of the ' Territory," when, in fact, they were pursning the only free and natural course to organize it by immigrating and becoming permanent inhabitants, citizens, and electors, of Kansas. Not one unlawful or turbulent act has been hitherto charged against any one of the propagandists of Freedom. Mark, now, an extraordinary inconsistency of the President. On the 29th of June, 1854, only twenty-nine days after the opening of the Territory, and before one of these emigrants had reached Kansas, or even Missouri, a propagandist association, but not of emigrants, named the Platte County Self-Defensive Association, assembled at Weston, on the western border of Missouri, in the interest of Slavery; and it published through the organ of the President of the United States at that place, a resolution, that "when called upon by any citizen of Kansas, its members would hold themselves in readiness to assist in removing any and all emigrants who should go there under the aid of Northern Emigrant Societies." This association afterward often made good its atrocious threats, by violence against the property, peace, and lives, of unoffending citizens of Kansas. But the President of the United States, so far from denouncing it, does not even note its existence.

The majority of the Committee on Territories ingeniously elaborate the President's charge, and arraign Massachusetts, her Emigrant Aid Society, What has Massachusetts and her emigrants. done, worthy of censure? Before the Kansas organic law was passed by Congress, Massachusetts, on application, granted to some of her citizens, who were engaged in "taking up" new lands in Western regions, one of those common charters which are used by all associations, industrial, moral, social, scientific, and religious, now-a-days, instead of copartnerships, for the more convenient transaction of their fiscal affairs. The actual capital is some \$60,000. Neither the granting of the charter, nor any legislative action of the association under it, was morally wrong. To emigrate from one State or Territory singly, or in company with others, with or without incorporation by statute, is a right of every citizen

nied is a slave. Such free emigration is the chief element of American progress and civilization. Without it, there could be no community, no politigal Territory, no State in Kansas. Without it, there could have been no United States of America. To retain and carry into Kansas cherished political as well as moral, social, and religious convictions, is a right of every emigrant. Must emigrants to that Territory carry there only their persons, and leave behind their minds and souls, disembodied and wandering in their native lands? They only are fit founders of a State who exercise independence of opinion; and it is to the exercise of that right that our new States, equally with all the older ones, owe their intelligence and vigor.

"There are, who, distant from their native soil, [Still for their own and country's glor; toil; While some, fast rooted to their perent spot, In life are useless, and in death, forgot."

It is not morally wrong for Massachusetts to aid her sons, by a charter, to do what in itself is innocent and commendable. The President and the majority of the committee maintain that such associations are in violation of national or at least of international laws. Here is the Constitution of the United States, and here are the Statutes at Large, in ten volumes octavo. Let the President or his defenders point out the inhibition. They specify, particularly, that the action of the State violates a law of comity, which regulates the intercourse of independent States, and especially the intercourse between the members of the Federal Union. Here are Vattel and Burlamaqui. Let them point out in these pages this law of comity. There is no law of comity which forbids nations from permitting and encouraging emigration, on the ground of opinion. Moreover, Slavery is an outlaw under the law of nations. Still further, the Constitution of the United States has expressly incorporated into itself all of the laws of comity, for regulating the intercourse between independent States, which it deems proper to adopt. Whatever is forbidden expressly by the Constitution is unlawful. Whatever is not forbidden is lawful. The supposed law of comity is not incorporated into the Constitution.

With the aid of the Committee on Territories, we discover that the emigrants from Massachusetts have violated the supposed national laws, not by any unlawful conduct of their own, but by provoking the unlawful and flagitious conduct of the invaders of Kansas. "They passed through Missouri 'in large numbers, using violent lunguage, and giving unmistakable indications of their hostility to the domestic institutions of that State," and thus "they created apprehensions that the object of the Emigrant Aid Company was to abolitionize Kansas, as a means of prosecuting a relentless warfare upon the institution of Slavery within the limits of Missouri, which apprehensions, increasing with the progress of events, ultimately became settled convictions of the people of western Missouri."

Missouri builds railroads, steamboats, and wharves. It cannot be, therefore, that the mere "largeness of the numbers" of the Eastern trav-

ellers offended or alarmed the borderers. iess my surprise that the sojonracrs used violent language. It seems unlike them. I confess my greater surprise that the borderers were disturbed so deeply by mere words. It seems unlike them. Which of the domestic institutions of Missouri were those against which the travellers manifested determined hostility? Not certainly her manufactories, banks, railroads, churches, and schools. All these are domestic institutions held in high respect by the men of Massachusetts, and are just such ones as these emigrants are now establishing in Kansas. It was therefore African Slavery alone, a peculiar domestic institution of Missouri, against which their hostility was directed. Waiving a suspicious want of proof of the unwise conduct charged against them, I submit that clearly they did not thereby endanger that peculiar institution in Missouri, for they passed di-rectly through that State into Kansas. How, then, were the borderers provoked? The Missourians inferred, from the language and demeanor of the travellers, that they would abolitionize Kansas, and thereafter, by means of Kansas abolitionized. prosecute a refentless warfare against Slavery in Missonri. Far-seeing statesmen are these Missouri borderers, but less deliberate than far-sighted. Kansas was not to be abolitionized. It had never been otherwise than abolitionized. litionized Kansas would constitute no means for the prosecution of such a warfare. Missouri lies adjacent to abolitionized lows on the north, and to abolitionized Illinois on the east, yet neither of those States has ever been used for such designs. How could this fearful enemy prosecute a warfare against Slavery in Missouri? Only by buying the plantations of her citizens at their own prices, and so qualifying themselves to speak their hostility through the ballot-boxes? Could apprehensions so absurd justify the invasion of Kansas? Are the people of Kansas to be disfranchised and trodden down by the President of the United States, in punishment for any extravagance of emigrants, in Missouri, on the way to that Territory?

Such is the President's second defence, so far as it presents new matter in avoidance of the accusation of the new State of Kansas.

I proceed, in the third place, to establish the truth of the accusations. Of what sort must the proofs be? Mauffeelly only such as the circumstances of the case permit to exist. Not engrossed documents, anthenicated by executive, judicial, or legislative officers. "The transactions occurred in an unorganized country. All the authorities subsequently established in the Territory are implicated, all the complainants disfranchised. Only presumptive evidence, derived from the contemporaneous statements and actions of the parties concerned, can be required.

Such presumptive evidence is derived from the nature and churacter of the President's defences. Why did the President plead at all on the 31st of Desember last, when the new State of Kansas was yet unorganized, and could not appear here to prefer her accusations until the 23d of March? Why, if he must answer so prenaturely, did he not plead a general and direct denial? If he

facts, instead of withholding all actual information concerning the case? Why, since, instead of defending himself, he must implead his accuser, did he not state, at least, the ground on which that accuser claimed to justify the conduct of which he complained? Why did he threaten "to overcome and suppress" the people of Kansas, as insurrectionists, if he did not mean to torrify them, and to prevent their appearing here, or at least to prejudice their cause? Why did he mock them with a promise of protection thereafter, against interference by citizens of other States, if they should deport themselves peacefully and submissively to the Territorial authorities, if no cause for apprehending such interference had already been given by previous invasion? Why did he labor to embarrass his accuser by identifying her cause with the subject of abolition of Slavery, and stigmatize her supporters with opprobrious epithets, and impute to them depraved and seditious motives? Why did he interpose the false and impertinent issue, whether one State could intervene by its laws or by force to abolish Slavery in another State? Why did he distort the Constitution, and present it as expressly guarantying the perpetuity of Slavery? Why did he arraign so unnecessarily and so unjustly, not one, but all of the original Northern States? Why did he drag into this case, where only Kansas is concerned, a studied, partial, and prejudicial history of the past enlargements of the national domain, and of the past contests between the slave States and the free States, in their rivalry for the balance of power?

Why did not the President rest content with one such attack on the character and conduct of the new State of Kansas, in anticipating her coming, if he felt assured that she really had no merit on which to stand? Why did he submit a second plea in advance? Why in this plea does he deplore the delays which prevented the Missouri borderers from effecting the conquest of Kansas, and the establishment of Slavery therein, at the time of the Congressional election held in November, 1854, in fraud of the Kansas law, and of justice and humanity? Why, without reason, or authority of public or of national law, does he denounce Massachusetts, her Emigrant Aid Society, and her emigrants? If "propagandist" emigrations must be denounced, why does he spare the Platte County Self-Defensive Association? Why does he charge Governor Reeder with "failing to put forth all his energies to pre-' vent or counteract the tendencies to illegality which are found to exist in all imperfectly organ-' ized and newly associated countries," if, indeed, no "illegality" has occurred there? While thus, by implication, admitting that such illegality has occurred in Kansas, why does he not tell us its nature and extent? Why, when Gov. Reeder was implicated in personal conduct, not criminal, but incongruous with his official relations, did the President retain him in office until after he had proclaimed at Easton that Kansas had been subjugated by the borderers of Missouri, and why, after he had done so, and had denounced the Legislature, did the President remove him for the same

must plead specially, why did he not set forth the | pre-existing cause only? Why does the President admit that the election for the legislative bodies of Kansas was held under circumstances inauspicious to a truthful and legal result, if, nevertheless, the result attained was indeed a truthful and legal one? On what evidence does the President ground his statement, that after that election, there were mutual complaints of usurpation, fraud, and violence, when we hear from no other quarter of such complaints made by the party that prevailed? If there were such mutual accusations, and even if they rested on probable grounds, would that fact abate the right of the people of Kansas to a Government of their own, securing a safe and well-ordered freedom? Why does the President argue that the Governor (Mr. Reeder) alone had the power to receive and consider the returns of the election of the Legislative bodies, and that he certified those returns in fifteen out of the twenty-two districts, when he knows that the Governor, being his own agent, gave the certificates, on the ground that the returns were technically correct, and that the illegality complained of was in the conduct of the elections, and in the making up of the returns by the judges, and that the terror of the armed invasion prevented all complaints of this kind from being presented to the Governor? Why does the President repose on the fact that the Governor, on the ground of informality in the returns, rejected the members who were chosen in the seven other districts, and ordered new elections therein, and certified in favor of the persons then chosen, when he knows that the majority, elected in the fifteen districts, expelled at once the persons chosen at such second elections, and admitted those originally returned as elected in these seven districts, on the ground that the Governor's rejection of them, and the second elections which he ordered, were unauthorized and illegal? Why does the President, although omitting to mention this last fact, nevertheless justify the expulsion of these newly elected members, on the ground that it was authorized by parliamentary law, when he knows that there was no parliamentary or other law existing in the Territory, but the organic act of Congress, which conferred no such power on the Legislature? Why was Governor Reeder replaced by Mr. Shannon, who immediately proclaimed that the Legislative bodies which his predecessor had denounced were the legitimate Legislature of the Territory? Why does the President plead that the subject of the alleged Missourian usurpation and tyranny in Kansas was one which, by its nature, appertained exclusively to the jurisdic-tion of the local authorities of the Territory, when, if the charges were true, there were no legitimate local authorities within the Territory? Is a foreign usurpation in a defenceless Territory of the United States to be tolerated, if only it be successful? And is the Government de facto, by whomsoever usurped, and with whatever tyranny exercised, entitled to demand obedience from the people, and to be recognised by the President of the United States? Why does he plead, that "whatever irregularities may have occurred, it is now too late to raise the question?" Is there

nothing left but endurance to citizens of the | election; but at the same time did not hesitate United States, constituting a whole political community of men, women, and children-an incipient American State-subjugated and oppressed? Must they sit down in peace, abandoned, contented, and despised? Why does he plead, that "at least it is a question as to which, neither 'now, nor at any previous time, has the least ' possible legal authority been possessed by the ' President of the United States?" Did any magistrate ever before make such an exhibition of ambitions imbecility? Cannot Congress clothe him' with power to act, and is it not his duty to ask power to remove usurpation and subvert tyranny in a Territory of the United States? Are these the tone, the tenor, and the staple, of a defence, where the accused is guiltless, and the crimes charged were never committed? President virtually confesses all the transactions charged, by thus presenting a connected system of maxims and principles, invented to justify them.

I proceed, however, to clinch conviction by direct and positive proofs: First, the statements of the party which has been overhorne. General Pomeroy and his associates, in behalf of the State of Kansas, make this representation concerning the Congressional election held in the Territory on the 30th of November, 1854:

"The first ballot-box that was opened upon onr virgin soil was closed to as by overpowering numbers and impending force. So bold and reckless were onr invaders, that they cared not to conceal their attack. They came upon us, not in the guise of voters, to steal away onr franchise, but boldly and openly, to snatch it with a strong hand. They came directly from their own homes, and in compact and organie zed bands, with arms in hand and provisions for the expedition, marched to our polls, and, when their work was done, returned whence they came. It is unnecessary to enter into the details; it is enough to say that in three districts, in which, by the most irrefragable evidence, there were not one hundred and fifty voters, most of whom re-' fused to participate in the mockery of the elective franchise, these invaders polled over a thousand votes,

In regard to the election of the 30th of March. 1855, the same party states:

"They (the Missourians) arrived at their several destinations the night before the election. and having pitched their camps and placed their sentries, waited for the coming day. Baggage wagons were there, with arms and ammunition enough for a protracted fight, and among them two brass field-pieces, ready charged. They came with ' drums beating and fings flying, and their leaders were of the most prominent and conspicuous men of their respective States. In the morning they surrounded the polls; armed with guns, bowie-knives, and revolvers, and declared their determination to vote at all hazards, and in spite of all consequences. If the judges could be made to subserve their purposes, and receive their votes, and if no obstacle was cast in their 'way, their leaders exerted themselves to pre- 'ed their own judges, in place of those who, from 'serve peace and order in the conduct of the 'infinitation or otherwise, failed to attend, they

to declare, that if not allowed to vote, they would proceed to any extremity in destruction of property and life. If the control of the polls could not be had otherwise, the judges were by intimidation, and, if necessary, by violence, prevented from performing their duty, or, if unyielding in this respect, were driven from their post, and the vacancy filled in form by the persons on the ground; and whenever by any means they had obtained the control of the board, the ' foreign vote was promiscuously poured in, without discrimination or reserve, or the slightest care to conceal its nefarious illegality. At one 'of the polls, two of the judges .having man-' fully stood up in the face of the armed mob, and declared they would do their duty, one por-'tion of the mob commenced to tear down the house, another proceeded to break in the door of the judges' room, whilst others, with drawn kuives, posted themselves at the window, with the proclaimed purpose of killing any voter who would allow himself to be sworn. Voters were dragged from the window, because they would not show their tickets, or vote at the dictation of the mob; and the invaders declared openly, at the polls, that they would cut the throats of the judges, if they did not receive their votes without requiring an oath as to their residence. The room was finally forced, and the judges, surrounded by an armed and excited crowd, were offered the alternative of resignation or death, and five minutes were allowed for their decision. The ballot-box was seized, and, amid shouts of 'Hurrah for Missouri,' was carried into the mob. The two menaced judges then left the ground, together with all the resident ' citizens, except a few who acted in the outrage, ' because the result expected from it corresponded to their own views.

When an excess of the foreign force was found to be had at one poll, detachments were sent to the others. * * * A minister of the Gospel, who refused to accede to the demands of a similar mob of some 400 armed and organized men, was driven by violence from his post, and the vacancy filled by themselves. Another clergyman, for the expression of

his opinion, was assaulted and beaten. * *

* The inhabitants of the district, powerless to resist the abundant supply of arms and ammunition, organized preparation, and overwhelming numbers of the foreigners, left the polls without voting. rence district, one voter was fired at, as he was driven from the election ground. Finding they had a greater force than was necessary for that poll, some 200 men were drafted from the number, and sent off under the proper officers to another district, after which they still polled from this camp 700 votes. * * the 4th and 7th districts, the invaders came together in an armed and organized body, with trains of fifty wagons, besides horsemen, and, the night before election, pitched their camps in the vicinity of the polls, and having appoint-'ed their own judges, in place of those who, from voted without any proof of residence. In these two election districts, where the census shows 100 voters, there were polled 314 votes, and last fall 165 votes, although a large part of the actual residents did not vote on either occasion.

** * * From a careful examination of the returns, we are satisfied that over 3,000 votes were thus cast by the citizens and residents of the States."

I place in opposition to these statements of the party that was overborne, the statements of the party that prevailed, beginning with signals of the attack, and ending with celebrations of the

victory.

General Stringfellow addressed the invaders in Missouri, on the eve of the election of March

30, 1855, thus:

"To those who have qualms of conscience as to violating laws. State or National, the time 4 has come when such impositions must be disregarded, as your rights and property are in danger; and I advise you, one and all, to enter every election district in Kansas, in defiance of Reeder and his vile myrmidons, and vote, at the * point of the bowie-knife and revolver. Neither give nor take quarter, as our case demands it. It is enough that the slaveholding interest wills it, from which there is no appeal. What right has Governor Reeder to rule Missourians in His proclamation and prescribed Kansas? oath must be repudiated. It is your interest to do so. Mind that Slavery is established where it is not prohibited."
The Kansas Herald, an organ of both the

The Kansas Herald, an organ of both the Administration and the Pro-Slavery party, announced the result of the Legislative election in the Territory immediately afterwards, as follows:

"Yesterday was a proud and glorious day for the friends of Sonthern Rights. The triumph of the Pro-Slavery party is complete and overwhelming. Come on, Southern men! Bring your slaves, and fill up the Territory! Kansas "Is saved!"

The Squatter Sovereign, published in Missouri, thus announced the result of the election, the day after it closed:

"INDEPENDENCE, March 31, 1855.

"Soveral hundred emigrants from Kansas have but entered our city. They were preceded by the Westport and Independence brass bands. They came in at the west side of the public aguare, and proceeded entirely around it, the bands cheering us with fine music, and the emigrants with good news. Immediately following time bands were about two hundred horseman in ragular order; following these were one hundred and fifty wagons, carriages, &c. They gave repeated ch. ers for Kansas and Missouri They report that not an Anti-Slavery man will be in the Logislature of Kansas. We have made a clean sweep."

A letter written at Brunswick, in Missouri, dated April 20th, 1855, and published in the New York Herald, a Pro-Slavery journal, says that "from five to seven thousand men started "from Missouri to attend the election, some to "remove, but the most to return to their families,"

with an intention, if they liked the Territory, to make it their permanent abode, at the earliest moment practicable. But they intended to vote. 'The Missourians were, many of them, Douglas There were 150 voters from this county, 175 from Howard, 100 from Cooper. Indeed, 'every county furnished its quota; and when 'they set out, it looked like an army. * * * And, as there They were armed. were no houses in the Territory, they carried tents. Their mission was a peaceable one-to vote, and to drive down stakes for their inture homes. After the election, some 1,500 of the voters sent a committee to Mr. Reeder, to ascertain if it was his purpose to ratify the election. ' He answered that it was, and said the majority at an election must carry the day. But it is ' not to be denied that the 1,500, apprehending that the Governor might attempt to play the tyrant-since his conduct had already been insidious and unjust-wore on their hats bunches of hemp. They were resolved, if a tyrant attempted to trample upon the rights of the sov-' creign people, to hang him.

On the 29th of May, 1855, the Squatter Sovereign, an organ of the invasion in Missouri, thus

gave utterance to its spirit:

"From reports now received of Reeder, he never intends returning to our borders. Should he do so, we, without hesitation, say that our people ought to hang him by the neck, like a traitorous dog as he is, so soon as he puts his unhallowed feet upon our shores.

"Vindicate your characters and the Territory; and should the ungrateful dog dare to come among us again, hang him to the first rotten

"A military force to protect the ballot-box!
Let President Pierce, or Governor Reeder, or any other power, attempt such a course in this, or any portion of the Union, and that day will never be forgotten."

Governor Reeder, at Easton, in Pennsylvania, on his first return to that place after the elections, declared the same result in frank and candid words, which cost him his office, namely:

"It was indeed too true that Kansas had been invaded, conquered, subjugated, by an armed force from beyond her borders, led on by a fanatical spirit, trampling under foot the principles of the Kansas bill and the right of suffrage."

The Honorable David R. Atchison, a direct and out-spoken man, who never shrinks from responsibility, and who is confessedly eminent at once as a political leader in Missouri and as a leader of the Pro-Slavery morement therein directed against Kansas, in a speech reported as having been made to his fellow-citizens, and which, so far as I know, has not been disavowed, said:

"I saw it with my own eyes. These men exame with the arowed purpose of driving or expelling you from the Territory. What did I advise you to do? Why, meet them at their won game. When the first election came off, I told you to go over and vote. You did so, and beat them. We, our party in Kansas, nominated General Whitfield. They, the Abolitionists, nominated Plenuiken; not Flanegan, for Flan-

egan was a good, honest man, but Flenni- but an inhabitant who had paid a tax should tan. Well, the next day after the election, that vote, yet they made no time of residence necessary,

' turned-no, never returned! "Well, what next? members of the Legislature, to organize the 'own ground, and beat them at their own game 's again; and, cold and inclement as the weather was, I went over with a company of men. My object in going was not to vote; I had not a right to vote, unless I had disfranchised myself in Missouri. I was not within two miles of a voting place. My object in going was not to vote, but to settle a difficulty between two of our candidates; and Abolitionists of the North said, and published it abroad, that Atchison was there with bowie-knife and revolver, and by God 'twas true. I never did go into that Territory, I never intend to go into that Territory, without being prepared for all such kind of cattle. Well, ' we best them; and Gov. Reeder gave certificates to a majority of all the members of both

Houses; and then, after they were organized, as everybody will admit, they were the only com-

' petent persons to say who were and who were not members of the same,

A tree is known by its fruits. If Missourians voted in Kansas, it would be expected that the ballots deposited would exceed the number of electors. Just so it was. We have seen that it was so asserted. The Executive Journal, recently obtained, proves that in four districts, where the results were not contested, 2,964 votes were cest on the 30th of March, although only 1,365 voters were there, as ascertained by the census. Again: The Legislature chosen on the 30th of March, 1855, withdrew from the interior of the Territory to a place inconvenient to its citizens, and on the border of Missouri. There that Legislature enacted laws to this effect, namely : forbidding the speaking, writing, or printing, or publishing, of anything, in any form, calculated to disaffect slaves, or induce them to escape, under pain of not less than five years imprisonment with hard labor; and forbidding free persons from maintaining, by speech, writing, or printing, or publishing, that slaves cannot lawfully be held in the Territory, under pain of imprisonment and hard labor two years.

The Legislature further enacted, that no person a conscientiously opposed to holding slaves, or entertaining doubts of the legal existence of Slavery in Kunsas, shall sit as a juror in the trial of any cause founded on a breach of the laws which I have described. They further provided, that all officers and attorneys should be sworn, not only to support the Constitution of the United States, but also to support and sustain the organic law of the Territory, and the Fugirioe Slave Law; and that any persons offering to vote shall be presumed to be entitled to vote until the contrary is shown; and if any one, when required, shall refuse to take an oath to sustain the Fugitive Slave Law, he shall not be permitted to vote. Although they passed a law that none

that same Flenniken, with three hundred of his and provided for the immediate payment of a voters, left the Territory, and has never re- poll tax; so virtually declaring that on the eve of an election the people of a neighboring State Why, an election for can come in, in unlimited numbers, and, by taking up a residence of a day or an hour, pay a Territory, must be held. What did I advise poll tax, and thus become legal voters, and then, you to do then? Why, meet them on their after voting, return to their own State. They thus, in practical effect, provided for the people of Missouri to control future elections at their pleasure, and permitted such only of the real inhabitants of the Territory to vote as are friendly to the holding of slaves

They permitted no election of any of the officers in the Territory to be made by the people thereof, but created the offices, and filled them, or appointed officers to fill them, for long periods. They provided that the next annual election should be held in October, 1856, and the Assembly should meet in January. 1857; so that none of these laws could be changed until the lower House might be changed, in 1856; but the Conneil, which is elected for two years, could not be changed so as to allow a change of the laws or officers until the session of 1858, however much the inhabitants of the Territory might desire it. liow forcibly do these laws illustrate that old political maxim of the English nation, that a Parliament called by a conqueror is itself con-quered and enslaved! Who but foreigners, usurpers, and tyrants, could have made for the people of Kansas-a people "perfectly free"-such laws as these. Anatomists will describe the instrument, and even the force of the blow, if only you show them the wound.

Behold the proofs on which the allegations of

invasion, usurpation, and tyranny, made by the new State of Kansas, rest. They are, first: the President's own virtual admission, by defences indirect, irrelevant, ill-tempered, sophistical, and evasive; second: an absolute agreement, concurrence, and harmony, between the statements of the conflicting parties who were engaged in the transactions involved; third; the consequences of those transactions exactly such as must follow, if the accusations be true, and such as could not result if they be false. A few words, however, must be added, to bring more distinctly into view the President's complicity in these transactions, and to establish his responsibility therefor. The President openly lent his official influence and patronage to the slaveholders of Missouri, to effect the abrogation of the prohibition of Slavery in Kansas, contained in the act of Congress of 1820. He knew their purposes in regard to the elections He never interfered to prevent, to dein Kansas. feat, or to hinder them. He employed his official patronage to aid them. He now defends and protects the usurpation and tyranny, established by the invaders in Kansas, with all the influence of his exalted station, and even with the military power of the Republic; and he argues the duty of the people there to submit to the forcible establishment of Slavery, in violation of the national pledge, which he concurred in giving, that they should be left perfectly free to reject and exclude

that justly obnoxious system. It thus appears

that the President of the United States bolds the [sent hither swarms of officers, to harass our people of Kansas prostrate and enslaved at his

To complete the painful account of this great crime, it is necessary now to add that there has not been one day nor night, since the Government of Kansas was constituted and confided to the President of the United States, in which either the properties, or the liberties, or even the lives, of its citizens have been secure against the violeace and vengeance of the extreme foreign faction which he upholds and protects. At this day, Kansas is becoming, more distinctly than before, the scene of a conflict of irreconcilable opinions, to be determined by brute force. No immigrant goes there unarmed, no citizen dwells there in safety unarmed; armed masses of men are proceeding into the Territory, from various parts of the United States, to complete the work of invasion and tyranny which he has thus begun, under circumstances of frand and perfidy unworthy of the character of a ruler of a free people. This gathering conflict in Kansas divides the sympathies, interests, passions, and prejudices, of the people of the United States. Whether, under such circumstances, it can be circumscribed within the limits of the Territory of Kansas, must be determined by statesmen from their knowledge of the courses of civil commotions, which have involved questions of moral right and conscientious duty, as well as balances of political power. Whether, on the other hand, the people of Kansas, under these circumstances, will submit to this tyranny of a citizen of the United States like themselves, whose term of political power is nearly expired, can be determined by considering it in the aspect in which it is viewed by themselves. Speechless here, as they vet are, I give utterance to their united voices, and, holding in my hand the arraignment of George III, by the Congress of 1776, I impeach—in the words of that immortal text-the President of the United States:

"He has refused to pass laws for the accommodation of the people, unless they would relinguish the right of representation in their Legislature, a right inestimable to them, and formidable to tyrants only:

"He has called together legislative bodies at a place unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatigning them into compliance with his measures :

He has prevented Legislative Houses from being elected, for no other cause than his conviction that they would "oppose with manly firmness his invasions on the rights of the people:

41 He has refused for a long time after" spurious Legislative Houses were imposed by himself, by usurpation, on the people of Kansas "to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise, the State remaining in the mean time exposed to all the danger of invasion from without, and civil war within:

"H: has created a multitude of new offices, and have been subjugated and enslaved. Is there

people, and eat out their substance:

"He has kept among us, in times of peace, standing armies, to compel our submission to a foreign" Legislature, "and has affected to render the military independent of, and superior

to, the civil power: "He has combined with others to subject as to a jurisdiction foreign to our Constitution, and unacknowledged by our laws, giving his

'assent to their acts of pretended legislation:
"For protecting" invaders of Kansas "from ' punishment for any murders which they shall commit on the inhabitants" of this Territory :

"For abolishing the free system of American 'law in" this Territory, "establishing therein an arbitrary Government, so as to render it at once an example and fit instrument for intro-' ducing the same absolute rule into" other Territories :

"For taking away our charter, abolishing our most valuable laws, and altering fundamentally

the powers of our Government:

"For suspending our own Legislature, and declaring " an usurping Legislature, constituted by himself, "invested with power to legislate for us in all cases whatsoever.

What is wanting here to fill up the complement of a high judicial process? Is it an accuser? The youngest born of the Republic is before you, imploring you to rescue her from immolation on the altar of public faction. Is it a crime? Bethink yourselves what it is that has been subverted. It is the whole of a complete and rounded-off Republican Government of a Territory indeed, by name, but, in substance, a Civil State. Consider the effect. The People of Kansas were "perfectly free." They now are free only to submit and obey. Consider whose system that Republican Government was, and the Power that established it. It was one of the Constitutions of the United States, established by an act of the Congress of the United States. Consider what a tyranny it is that has been built on that atrocious usurpation. It is not a discriminating tyranny, that selects and punishes one, or a few, or even many, but it disfranchises all, and reduces every citizen to abject slavery. Examine the code created by the Legislature. All the statutes of the State of Missouri are enacted in gross, without alteration or amendment, for the government of Kansas; and then, at the end, the hasty blunder of misnomer is corrected by an explanatory act, that wherever the word "State" occurs, it means "Territory." And what a code! One that stifles not, indeed, the fruits of the womb, but the equally important element of a State, the fruits—the immortal fruits—of the mind; a code that puts in perl all rights and liberties whatscever, by denying to men the right to know, to utter, and to argue, freely, according to conscience-a right in itself conservative of all other rights and liberties. Is an offender wanting? He stands before you, in many respects the most eminent man in all the world-the President of the United States-the constitutional and chosen defender and protector of the people who

tribunal? Where elsewhere shall be found one more august than the Senate of the United States? It is the ancient, constant, and undoubted right and usage of Parliaments-it is the chief purpose of their being-to question and complain of all persons, of what degree soever, found grievous to the Commonwealth, in abusing the power and trust committed to them by the People. Does this tribunal need a motive? We have that, too, in painful reality. These usurpations and oppressions have hitherto rested with the President of the United States, and those whom he has abetted. If they shall be left unredressed, they will henceforth become, by adoption, our own.

The conviction of the offending President is complete, and now he sinks out of view. punishment rests with the People of the United States, whose trust he has betrayed. His conviction was only incidental to the business which is the order of the day. The order of the day is

the redress of the wrongs of Kansas.

How like unto each other are the parallels of tyranny and revolution in all countries and in all times! Kansas is to-day in the very act of revolution against a tyranny of the President of the United States, identical in all its prominent features with that tyranny of the King of England which gave birth to the American Revolution. Kansas has instituted a revolution, simply because ordinary remedies can never be applied in great political emergencies. There is a profound philosophy that belongs to revolutions. According to that philosophy, the President is assumed by the people of Kansas to entertain a resentment which can never be appeared, and his power, consequently, must be wholly taken away. Happily, however, for Kansas, and for us, her revolution is one that was anticipated and sanctioned and provided for in the Constitution of the United States, and Is therefore a peaceful and (paradoxical as the expression may seem) a constitutional one. Never before have I seen occasion so great for admiring the wisdom and forecast of those who raised that noble edifice of eivil government. people of Kansas, deprived of their sovereignty by a domestic tyranny, have nevertheless lawfully rescued it provisionally, and, so exercising it, have constituted themselves a State, and applied to Congress to admit them as such into the Pederal Union. Congress has power to admlt the new State thus organized. The favorable exercise of that power will terminate and crown the revolution. Once a State, the people of Kansas can preserve internal order, and defend themselves against invasion. Thus, the constitutional remedy is as effectual as it is peaceful and simple.

This is the remedy for the evils existing in the Territory of Kansas, which I propose. Happily, there is no need to prove it to be either a lawful one or a proper one, or the only possible one. The President of the United States and the Committee on Territories unanimously concede all this broad ground, because he recommends it,

and they adopt it,

Wherein, then, do I differ from them? Simply thus: I propose to apply the remedy now, by cation-nor had the Territorial Legislature power

anything of dignity or authority wanting to this | admitting the new State with its present population and present Constitution. insist on postponing the measure until the Territory shall be conceded by the usurping authorities to contain 93,700 inhabitants, and until those authorities shall direct and authorize the people to organize a new State, under a new Constitution. In other words, I propose to allow the people of Kansas to apply the constitutional remedy at once. The President proposes to de-fer it indefinitely, and to commit the entire application of it to the hands of the Missouri bor-He confesses the inadequacy of that derers. course by asking appropriations of money to enable him to maintain and preserve order within the Territory until the indefinite period when the constitutional remedy shall be applied. There is no sufficient reason for the delay which the President advises. He admits the rightfulness and necessity of the remedy. It is as rightful and necessary now as it ever will be. It is demanded by the condition and eircumstances of the people of Kansas now. You cannot justly postpone, any more than you can justly deny, that right. To postpone would be a denial. The President will need no grant of money, or of armed men, to enforce obedience to law, when you shall have redressed the wrongs of which the People complain. Even under Governments less free than our own, there is no need of power where justice holds the helm. justice is impartially administered, the obedience of the subject or citizen will be voluntary, cheerful, and practically unlimited. Freedom justly due cannot be conceded too soon. dom exists, the utmost bounds of civil liberty are obtained, only where complaints are freely heard, deeply considered, and speedily redressed. only can you restore to Kansas the perfect freedom which you pledged, and she has lost,

The Constitution does not prescribe 93,700, or any other number of people, as necessary to constitute a State. Besides, under the present ratio of increase, Kansas, whose population now is 40,000, will number 100,000 in a few months The point made concerning numbers is therefore practically unimportant and frivolous. The President objects that the past proceedings, by which the new state of Kansas was organized, were irregular in three respects: First. That they were instituted, conducted, and completed, without a previous permission by Congress, or by the local authorities within the Territory. Secondly. That they were instituted, conducted. and completed, by a party, and not by the whole people of Kansas; and, thirdly, that the new State holds an attitude of defiance and insubordination towards the Territorial authorities and the Federal Union. I reply, first, that if the proceedings in question were irregular and partisanlike and factious, the exigencies of the case would at least excuse the faults, and Congress has unlimited discretion to waive them. Secondly. The proceedings were not thus irregular, partisanlike, and factions, because no act of Congress forbade them-no act of the Territorial Legislature forbade them, directly or by implieither to authorize or to prohibit them. The revenues of their own subject to disposal by proceedings were, indeed, instituted by a party who favored them. But they were prosecuted and consummated in the customary forms of popplar elections, which were open to all the inhabhants of the Territory qualified to vote by the organic law, and to no others; and they have in no case come into conflict, nor does the new State now act or assume to engage in conflict with either the Territorial authorities or the Government of the Union. Thirdly. There can be no irregularity where there is no law prescribing what shall be regular. Congress has passed no law establishing regulations for the organization or admission of new States. Precedents in such cases, being without foundation in law, are without authority. This is a country whose Government is regulated, not by precedents, but by Constitutions. But if precedents were necessary, they are found in the cases of Texas and California, each of which was organized and admitted, subject to the same alleged irregularities.

The majority of the Committee on Territories, in behalf of the President, interpose one further objection, by tracing this new State organization to the influence of a secret, armed, political society. Secrecy and combination, with extra-judicial oaths and armed power, were the enginery of the Missonri borderers in effecting the subjucation of the people of Kansas, as that machinery is always employed in the commission of political crimes. How far it was lawful or morally right for the people of Kansas to employ the same agencies for the defence of their lives and liberties, may be a question for casuists, but certainly is not one for me. I can freely confess, however, my deep regret that secret societies for any purpose whatsoever have obtained a place among political organizations within the Republic; and it is my hope that the experience which we have now so distinctly had, that they can be but too easily adapted to unlawful, seditious, and dangerous enterprises, while they bring down suspicion and censure on high and noble causes when identified with them, may be sufficient to ind ce a general discontinuance of them.

Will the Senate hesitate for an hour between the alternatives before them? The passions of the American People find healthful exercise in peaceful colonizations, and the construction of milroads, and the building up and multiplying of republican institutions. The Territory of Kansas lies across the path through which railroads must be bullt, and along which such institutions must be founded, without delay, in order to preserve the integrity of our Empire. Shall we suppress enterprises so benevolent and so healthful, and inflame our country with that fever of intestine war which exhausts and consumes not more the wealth and strength than the virtue and freedom of a nation? Shall we confess that the proclamation of popular sovereignty within the Terrilory of Kansas was not merely a failure, but was Pretence and a fraud? Or will Senators now contend that the people of Kausas, destitute as hey are of a Legislature of their own, of Exective authorities of their own, of Judicial author-

themselves, practically deprived as they are of the rights of voting, serving as jurors, and of writing, printing, and speaking, their own opinions, are nevertheless in the enjoyment and exercise of popular sovereignty? Shall we confess before the world, after so brief a trial, that this great political system of ours is inadequate either to enable the majority to control through the operation of opinion, without force, or to give security to the citizen against tyranny and domestic vio-lence? Are we prepared so soon to relinquish our simple and beautiful systems of republican government, and to substitute in their place the machinery of usurpation and despotism? The Congress of the United States can refuse

admission to Kansas only on the ground that it will not relinquish the hope of carrying African Slavery into that new Territory. If you are prepared to assume that ground, why not do it manfully and consistently, and establish Slavery there by a direct and explicit act of Congress? But have we come to that stage of demoralization and degeneracy so soon? We, who commenced onr political existence and gained the sympathies of the world by proclaiming to other nations that we held "these truths to be self-evident: That all men are born equal, and have certain inalienable rights; and that among these rights are ' life, liberty, and the pursuit of happiness:" we, who in the spirit of that declaration have assumed to teach and to illustrate, for the benefit of mankind, a higher and better civilization than they have hitherto known! If the Congress of the United States shall persist in this attempt, then they shall at least allow me to predict its results. Either you will not establish African Slavery in Kansas, or you will do it at the cost of the sacrifice of all the existing liberties of the American people. Even if Slavery were, what it is not, a boon to the people of Kansas, they would reject it if enforced upon their acceptance by Federal bayonets. The attempt is in conflict with all the tendencies of the age. African Slavery has, for the last fifty years, been giving way, as well in this country as in the islands and on the main land throughout this hemisphere. The political power and prestige of Slavery in the United The slave States States are passing away. practically governed the Union directly for fifty years. They govern it now, only indirectly, through the agency of Northern hands, temporarily enlisted in their support. So much, owing to the decline of their power, they have already conceded to the free States. The next step, if they persist in their present course, will be the resumption and exercise by the free States of the control of the Government, without such concessions as they have hitherto made to obtain it. Throughout a period of nearly twenty years, the defenders of Slavery screened it from discussion in the national councils. Now, they practically confess to the necessity for defending it here, by initiating discussion themselves. They have at once thrown away their most successful weapon, compromise, and worn out that one which was next in effectiveness, throats of secession from ties of their own, of a militia of their own, of the Union. It is under such unpropitious cirof extending Slavery into free territory by force, the armed power of the Federal Government. You will need many votes from free States in the House of Representatives, and even some votes from those States in this House, to send an army with a retinue of slaves in its train into Kansas. Have you counted up your votes in the two Houses? Have you calculated how long those who shall cast such votes will retain their places in the National Legislature?

But I will grant, for the sake of the argument, that with Federal battalions you can carry Slavery into Kansas, and maintain it there. Are you quite confident that this republican form of government can then be upheld and preserved? You will then yourselves have introduced the Trojan horse. No republican Government ever has endured, with standing armies maintained in its bosom to enforce submission to its laws. A people who have once learned to relinquish their rights, under compulsion, will not be long in forgetting that they ever had any. In extending Slavery into Kansas, therefore, by arms, you will subvert

the liberties of the people.

Senators of the free States, I appeal to you. Believe ye the prophets? I know you do. You know, then, that Slavery neither works mir-s and quarries, nor founds cities, nor builds ships, nor levies armies, nor mans navies. Why, then, will you insist on closing up this new Territory of Kansas against all enriching streams of immigration, while you pour into it the turbid and poisonous waters of African Slavery? Which one of you all, whether of Connecticut, or of Pennsylvania, or of Illinois, or of Michigan, would coneent thus to extinguish the chief light of civilization within the State in which your own fortunes are cast, and in which your own posterity are to live? Why will you pursue a policy so unkind, so ungenerous, and so unjust, towards the helpless, defenceless, struggling Territory of Kausss, inhabited as it is by your own brethren, depending on you for protection and safety? Will Slavery in Kansas add to the wealth or power of your own States, or to the wealth, power, or glory, of the Republic? You know that it will diminish all of these. You profess a desire to end this national debate about Slavery, which has become, for you, intolerable. Is it not time to relinquish that hope? You have exhausted the virtue, for that purpose, that resided in compacts and platforms, in the suppression of the right of petition and in arbitrary parliamentary laws, and in abacgation of Federal authority over the subject of Slavery within the National Territories. Will you even then end the debate, by binding Kunsas with chains, for the safety of Slavery in Missouri? Even then you must give over Utali to Slavery, to make it secure and permanent in Kausas; and you must give over Oregon and Washington to both Polygamy and Slavery, so as to guaranty equally the one and the other of those peculiar domestic institutions in Utah; and so you must go on, sacrificing on the shrine of peace Territory ofter Territory, until the prevailing nationality of | versal Freedom.

cumstances that they begin the new experiment | freedom and of virtue shall be lost, and the vicious anomalies, which you have hitherto vainly hoped Almighty Wisdom would remove from among you without your own concurrence, shall become the controlling elements in the Republic. He who found a river in his path, and sat down to wait for the flood to pass away, was not more unwise than he who expects the agitation of Slavery to cease, while the love of Freedom animates the bosoms of mankind.

The solemnity of the occasion draws over our heads that cloud of disunion, which always arises whenever the subject of Slavery is agitated. Still, the debate goes on, more ardently, earnestly, and angrily, than ever before. It employs now not merely logic, reproach, menace, retort, and defiance, but subres, rifles, and cannon. Do you look through this incipient war quite to the end, and see there peace, quiet, and harmony, on the subject of Slavery? If so, pray enlighten me, and show me how long the way is which leads to that repose. The free States are loyal, and they always will remain so. Their footbold on this Continent is firm and sure. Their ability to maintain themselves, unaided, under the present Constitution, is established The slave States, also, have been loyal hitherto, and I hope and trust they ever may remain so. But if disunion could ever come, it would come in the form of a secession of the slaveholding States; and it would come, then, when the slaveholding power, which is already firmly established on the Gulf of Mexico, and extends a thousand miles northward along both banks of the Mississippi, should have fastened its grappling irons upon the fountains of the Missouri and the slopes of the Rocky Mountains. Then that power would either be intolerably supreme in this Republic, or it would strike for independence or exclusive domination. Then the free States and slave States of the Atlantic, divided and warring with each other, would disgust the free States of the Pacific, and they would have abundant cause and justification for withdrawing from a Union productive no longer of peace, safety, and liverty to themselves, and no longer holding up the cherished hopes of mankind.

Mr. President, the Continental Congress of 1787, on resigning the trust, which it had discharged with signal fidelity, into the bands of the authorities elected under the new Constitution, and in taking leave of their constituents, addressed to the people of the United States this memorable injunction: "Let it never be forgotten, that the cause of the United States has always been the cause of human nature." Let us recall that precious monition; let us examine the ways which we have pursued hitherto, under the light thrown upon them by that instruction. We shall find, in doing so, that we have forgotten moral right, in the pursuit of material greatness, and we shall cease henceforth from practicing upon ourselves the miserable delusion. that we can safely extend Empire, when we shall have become reckless of the obligations of Kternal Justice, and faithless to the interests of Uni-

TO THE OPPONENTS OF SLAVERY-EXTENSION.

The Publishing Association of Washington intend to stereotype the Speeches delivered in Congress during the present session, and other Documents, suitable for use in the coming Presidential Campaign. In order to facilitate their circulation as much as possible, the Association will furnish and mail them, singly, to such names and post offices as may be desired, at one dollar per hundred for documents of eight pages, and two dollars per hundred for documents of sixteen pages, free of postage. For packages of one hundred, or more, sent at the cost of purchasers, documents of eight pages, sixty-two cents, and documents of sixteen pages, one dollar and twenty-five cents.

Persons sending us ten dollars and upwards can have the amount placed to their credit, and copies of each Speech or Document issued by the Association during the Campaign will be sent to their address or to such names as they may direct, in such quantities as may be desired, until the money sent is exhausted. Address

LEWIS CLEPHANE, Secretary,

Washington, D. C

LECOMPTON CONSTITUTION.

SPEECH

HON. JOHN SHERMAN, OF OHIO,

IN THE HOUSE OF REPRESENTATIVES, JAN. 28, 1858.

On the admission of Kansas as a State under the Lecompton Constitution.

with some reluctance that I rise to speak to a question not now directly before the House. But, sir, as I know that the Lecompton constitution. will soon be presented, and that an earnest effort will be made to admit Kausas into the Union as a State under it, I avail myself, for the first time, of the laxity of the rules in the committee, to state my opinions upon that subject. Another reason why I engage to this debate is, that I have received from the Governor of Ohio the resolutions of the Legislature of that State, requesting me to vote against the admission of Kansas into the Union under the Lecompton constitution.

This request is entirely consistent with my sense of duty, with the wishes of the Republican party, and the general sentiment of the people of my native State. It is said to be the product of a Democratic caucus; at any rate, it received the unanimous vote of the Democratic members of the Ohio Legislature. Although I seldom speak for that party, or act with it, and owe it no allegiance, yet, in this case, it will give me great pleasure to comply with the request.

There have been so many irritating incidents connected with Kansas from its organization as a Territory, that it is difficult to discuss any question relating to it with due moderation and tem-We have been compelled, as legislators, again and again to examine the disgraceful events which compose its history. Though these were for a time disputed, few among us would risk their reputation by doing so now. The irritation of the past is increased, rather than diminished, by the application now made to admit Kansas into the Union as a slave State, against the recent vote and the known will of a large majority of her

This application comes to us with the sanction with the attention its importance demands. The Constitution of the United States gives to Congress, and to Congress alone, the power to admit new States.

This general power is indispensably necessary

Mr. SHERMAN said: Mr. Chairman, it is in our system of government. The framers of the Constitution wisely considered that it might be trusted to Congress as the direct representative of the States and the people. It is a power that never has been abused. Under it eighteen States have already been admitted; and the Old Thirteen have, by peaceful constitutional progress, extended the national jurisdiction and institutions over thirty-one sister States, extending from the Atlantic to the Pacific, and from the St. Croix to the Rio Del Norte.

> And, sir, during this peaceful progress, no particular forms have been imposed upon the new States. The application need not come from the territorial government; it need not be authorized by a previous enabling act of Congress. It is only necessary that it emanate from the people of the new States; that it embody their will; is presented with their sanction and approval; and is republican in form This simple principle was stated by Mr. Buchanan in the Senate of the United States,

> "It has been our practice heretofore to treat our infant Territories with parental care, to nurse them with kindness, Territories with parental care, to marse them with kindness, and when they had attained the age of manifood, to admit and when they had attained the age of manifood, to admit a fine of the second of

> Such, sir, were the opinions of the President twenty-three years ago; and I propose now to examine how far these precepts have been applied to Kansas. Has she been treated with parental care? Has she been nursed with kindness? Have her people adopted this constitution? Are we asked to waive forms and technicalities, and comply only with the will of her people? Sir, these questions, and their true answers, embrace the whole merits of the proposition before us.

> And here, at the outset, I will state the radical difference between those with whom I act and that portion of the Democratic party who, with us, oppose this constitution. We insist that the territorial government established by Congress was

subverted with fraud and violence; that the socalled first Legislative Assembly was a usurpation, which no recognition could cure-one which it was a patriotic duty of the people to resist and overthrow, peaceably if they could, forcibly if they must, and which, in fact, has been practically overthrown; that the convention was a mere emanation from the usurpation, and, therefore, not entitled to any consideration whatever. On the other hand, those who agree with the distinguished Senator from Illinois, [Mr. Douglas,] recognize the convention as a legal body, and base their opposition to the constitution wholly upon ther refusal of the convention to submit the consti-tution to a vote of the people. Sir, I admire the boldness and ability shown by that Senator in maintaining his position. I can appreciate the indignant earnestness with which he seeks to defend the act of which he is the author. He has portrayed in striking colors the special pleading by which a reckless cabal in the Territory, aided by the President, seek to establish a constitution, in utter disregard of the will of the people. For this I admire him, and the country has given him the full measure of praise. But, sir, we cannot forget that he was the leading spirit in the repeal of the Missouri compromise, the cause of all the strife that followed; that when the territorial government was usurped by means of armed invasions, he excused, palliated, and defended them; that when the people of the Territory complained of fraud and outrage, he met them with denial, or, when that become impos-sible, with sneers and ridicule. All the reckless acts of the administration of President Pierce found in him their ablest defender; it was his in-fluence that secured the election of President Buchanan; it was his opposition in the Senate that procured the defeat of the acts of the last House of Representatives, intended to secure to the people of Kansas their admitted rights. Even after it was shown that the faction whose acts he had maintained could command less than eighteen hundred votes in favor of members of a constitutional convention, after more than half the counties in the Territory were entirely disfranchised-he still maintained their authority. It was not until this faction was overthrown, in October last, that the Senator recurred to what he now declares to be the fundamental principles of the Kansas-Nebraska bill, that the will of the people shall govern. We will not stop to inquire why, through so many years of misrule and violence, this principle was held in abeyance; why it was not applied when Missouri furnished the legislators and voters of Kansas; why the Army of the United States was necessary to restrain it? This theory was proclaimed in 1854 to excuse the repeal of the Missouri compromise. We have been steadily and earnestly endeavoring to secure to the people of Kansas this right, and have, throughout the contest, been opposed by three formidable powers—a large portion of the citizens of Western Missouri, the Army of the United States, and the Democratic party, led by none more ably than the Senator from Illinois. We are happy, sir, that our principles are now approved by very many citizens of Missouri—that we do not fear the Army—and that we shall here-after have the benefit of the votes and influence, as well as of the theories, of a large portion of the Democratic party.

But, sir, it must be understood that the Republican party stands now where it has stood from the beginning. While we maintain the power of Congress over the Territories, yet, ever since this power was so unwisely surrendered in the organization of the Territory of Kansas, we have felt that, from the character of the Senate, this power could not be exercised until Kansas would apply for admission as a State. We have steadily maintained that the popular will must not be defeated by fraud and violence. We have persistently de-manded a fair election, and have shown conclusively that in such an event the contest in Kansas would be settled as we wish it settled-in favor

of free institutions. But it was obvious from the beginning that those who provoked this contest would not submit to the will of the people. While proclaiming popular sovereignty they uniformly overthrew it by fraud and violence. On the other hand, the Republicans in Kansas, while insisting on the power of Congress, uniformly demanded a fair election, and only resisted a palpable usurpation. The first legislative election was held on the 30th day of March, 1855. Both parties were prepared to contest it at the polls. There were then but two thousand nine hundred and five legal voters in the Territory, scattered over a large region of country, and, as was conclusively shown by proof. these electors would, if left to their undisturbed choice, have sent to each branch of the Assembly a majority in favor of free institutions. would have practically reënacted the Missouri restriction, so far as Kansas was concerned, and thus have practically restored this question to where it was prior to 1854. But to defeat this result, and no other, (for no other motive could have induced the act,) an organized movement was set

on foot in Western Missouri. It was gathered in secret lodges; and assuming the form of a military force, it invaded the Territory of Kansas. Companies of men were arrayed in irregular parties and sent into every council district in the Territory, and into every representative district but one. They went to vote, and with the avowed design to make Kansas a slave State.

I do not propose to spend any time in detailing events so familiar to the country, and so disgraceful to our national honor. It is sufficient to say that the poll-books of the election show that six thousand three bundred and seven votes were cast; and that of these only eight hundred and ninety-eight are shown on the census rolls as legal voters. Four thousand nine hundred and seven were proved to be residents of Missouri. The residence of about five hundred was not conclusively shown, but many of them were no doubt settlers who had arrived in the Territory after the census was taken. By these means the candidates voted for by the Missouriaus, many of whom were then and are now citizens of Missouri, were thrust upon the people of Kansas as a Legislative Assembly. armed with all the power conferred upon the people by the organic law. It was a tourration, sir, which it was the highest patriotism to war against with every means with which the God of nature has furnished a free people. It was a declaration of war, to resist which the law of nations and the

right of self-preservation authorized the use of stratagem, artifice, and open force. These principles are recognized in Grotius, the

highest authority on the law of nations, and are necessary for the maintenance of republican institutions. And, sir, the people have only been restrained by the power wielded by the national Executive. Submission was out of the question. I regard it as the highest compliment I can pay that people, that, from the 30th of March, 1855, to this hour, they have never thought of submission; but have, in various ways, resisted and maralyzed the usurpation, and have now com-pletely everthrown it. The only fault I have to find with them is, that they hesitated to avail themselves of even the forms of bogus law to overthrow the substance. In a war like that inaugurated on the 39th of March, I would not chaffer about the means, but keep only in view the great principle of our fathers, that resistance to tyranny is submission to God. Amidst all the denunciation that has been heaped upon the free-State men of Kansas, I desire to record my firm conviction that they have, by their prudence and courage in resisting and overthrowing usurpation, done more to secure our republican institutions against fraud and violence than any other portion of the people of the United States since the formation of our Government. They exemplified the declaration of the Kansas committee, that "it is not to be tolerated that a legislative body thus elected should assume or exercise any legislative functions; and their enactments should be regarded as null and void."

Sir, they never were of any practical force, and from the beginning have been met with an open, organized resistance. If you attempt to continue them, by adopting this constitution, you must prepare to enforce them by arms, and by a contest in which every principle of your Government, and every aspiration of liberty, will be

against you.

There are but three modes of resistance, all of which have been resorted to. The first was the organization of a government emanating directly from the people, and in hostility to the usurpa-This was commenced immediately after the invasion, by a memorial to Congress. But as this body was not in session, steps were soon taken to organize a State government, preparatory to admission into the Union as a State. first general meeting of the people was held at Lawrence, on the 15th of August, 1855, and was followed by other popular assemblies. These resulted in the election of members of a constitutional convention, which met at Topeka on the 23d of October, and framed a State Constitution. This proceeding, like any other effort of the people to form a State government, was necessarily inoperative until it received the sanction of Congress; and was so regarded by those who took part in it. It was, however, regular and fairevery stage of it receiving the sanction of the people. From that time to this it has continued by regular elections; and now, when the usurpation has passed away, is in session, and may pro-nounce the requiem of its adversary. The application for admission was presented to Congress, and after full debate and examination a bill admitting Kansas as a State under the constitution adopted at Topeka, passed this House on the 3d of July, 1856, by a vote of 99 year to 97 nays, but was defeated in the Senate.

The Topeka movement always kept within the

bounds of law. While it acted in open defiance of what was called bogus laws-namely, the enactments of the usurping Legislative Assemblyit scrupulously respected the acts of Congress.

Another mode of resisting this usurpation was by a refusal to pay taxes. This mode of resistauce to tyranny is a familiar one in the history of every free Government. Hampden refused to pay ship money, and although a facile judiciary held it legal, yet his steady resistance contributed to the overthrow of Charles I. Our revolutionary fathers refused to recognize the claim of Parliament to levy taxes upon its colonies, and entered into nonimportation agreements and various other measures to defeat the taxes, before the final resort to war. And so successful were the people of Kansas in this mode of resistance, that, to this day, the amount of taxes collected would not pay half the expenses of the collection; and it is said that many of the active agents of the usurpation have impoverished themselves in the vain effort to enforce the law. In most civil contests the judges are the subservient tools of the executive power. Such was the case in the revolutions in England, and in our own revolutionary struggle. Such has repeatedly been the case under the Constitution of the United States. The judges in Kansas are no exception to the rule. They are appointed by the President, hold their office at his pleasure, and uniformly upheld the worst acts of the usurpation. But in vain did they exercise their judicial power to enforce the bogus laws. The only mode by which those laws could be

enforced was by the employment of United States troops. Shannon, Woodson, Geary, and Walker, as Governors of Kansas, were in turn compelled to acknowledge that they could not enforce the laws except by the troops. Other means were tried in vain. A call by a civil officer for a posse comita'us only brought to his aid the citizens of an adjoining State. In two important instancesin December, 1855, and in September, 1856-the strange spectacle was presented of armed bodies of men marching from Missouri into Kansas, to aid in enforcing alleged laws in Kansas which the people of that Territory repudiated and resisted with open force. This singular proceeding, if it had been persisted in, would have lit up the flames of civil war from one end of the Union Although the contest was unequal, to the other. the people of Kausas never yielded to this invasive force; and in all cases the invaders made a sullen retreat without accomplishing their pur poses. But wherever the troops of the United States appeared, then the people could yield without dishonor. However excited, they never resisted the majesty of the United States Govern-The only government existing in Kansas was a military government, and the usurpation was utterly overthrown by the voluntary action of the people, except so far as it was sustained by military power. That such was the condition of afffairs in Kansas is shown fully by the documents submitted to us by the President. Governor Geary, in his letter to the President,

of November 22, 1856, says:

"When I arrived here the entire Territory was declared by the acting Governor to be in a state of insurrection; the givil authority was powerless, and so complicated by partisan affiliations as to be without capacity to vindicate the majesty of the law, and restore the broken peace."

Governor Walker, in his letter to the Secretary of State, of July 20, 1857, says:

"There is imminent danger, unless the territorial government is sustained by a large body of the troops of the United States, that, for all practical purposes, it will be overntown or reduced to a condition of absolute imbeclity. I am constrained, therefore, to inform you that, with a view to sustain the authority of the United States in this Territory, it is indispensably necessary that we should have immediately stationed at Fort Learnworth at least two thousand regular troops, and that General Harney should be tettined in command."

Again, in his letter of August 3d, 1857, he urges a reinforcement to the already large body of troops in the Territory:

"The spirit of insurrection, of resistance to the laws, and to the territorial government, with perrades Kansas, and manifests itself in their newspapers, in robent haraugous, in the curvature and admiting of their troops, and in open threat the state of the state

The Secretary of State, by his letter of September 1, 1857, acknowledges the necessity of a military force:

4 Hearn from him (the Secretary of War) that, in addition to the four companies now in Kassas, egither companies are on the march for that Territory, and that fourteen other companies have been ordered for the same destination, making thirty six companies in the whole, and comprising a site of things which can render a greater force than this necessary to the assertion of the supremacy of the law in Kansas.⁷⁰

Thus it appears that the usurpation, commenced by the invasion of March 30, 1855, was reduced to utter imbecility, except so far as it was sus-

tained by the military power.

It only remains to record its final overthrow. It had sought to perpetuate its power by appointing all the local officers-sheriffs, clerks, justices, &c. By the organic law the House was elected for one year, and the Council for two years. In violation of law this time had been extended, practically, for near three years. The Council elected in March, 1855, held over until October, 1857; so that, during all this period, the rights secured to the people by the organic law were suspended. The election in October, 1857, was the first moment they could resume their rights without an open resistance to United States troops. But so bitter was the hostility of the people to the usurpation that they feared their voting might be construed into some kind of an acknowledgment of its legality. Rather than make this, even by inference, they would have put in force the Topeka constitution. But they were relieved from

made at Topeka in June, 1857:

"In October next, not under the act of the Territorial Legislature, but under the laws of Congress, you—the whole people of Kansus—have a right to elect a Delegate to Congress, and to elect a Territorial Legislature."

any appearance of yielding by the authoritative declaration of Governor Walker, in his speech,

It is true that Governor Walker subsequently attempted to qualify this language by inserting the important word "only," so that it would read: "In October next, not only ander," Sc.

read: "In October next, not only under," &c.
This was a mere evasion. The people claimed
no right under the legislative enactments, but denied their legality.

The question of voting at the October election was fully considered by conventions of the people, at all of which the authority of the Legislature was denied.

Thus, at a convention of the people, held at Topeka, on the 15th of July, 1857, the following resolution was adopted:

"Whereas, Governor Walker, in his speech at Topeko, as reported in the Kanass Stanesam, of June 9, holds the following language: In October next, not under the act of the late Tortroind Legislature, but under the laws of Coorgess, you, the whole people of Kanass, have a right to clear a belegate to Coorgess and to relect a Personal Lee occasions used similar language: and whereas, under the above decision, the whole people of Kanass' may participate in an election for Delegate for Coorgess and for members of the Territorial Legislature without recognizing the

best of the Termora Logistature within recognizing invalidity of Done Logistature within recognizing the Termoral Communication of the Section 1997 of the Pals of the "X. That we recommend to the people of Kansas that they assemble in mass convention at Grasshopper Falls on the last Wednesday in Angust, to take such action as may be necessary with figural to that election.

The delegate and mass conventions, held at Grasshopper Falls on the 26th of August, in pursuance of this call, passed similar resolutions in substance.

Such was the position of the people, maintained without compromise or concession. I need not repeat the results of the election. It is sufficient to say that the usurpation was entirely overthrown. The faction that had so long ruled the Territory. could command but two thousand five hundred votes; about one half of the invading force from Missouri, in March, 1855. But true to its instincts, it sought to control the elections, by frauds at Kiekapoo, Oxford, and McGee, of the most shameless character. At Kiekapoo, near one thousand votes were voted, and but a small portion were legal. . From Oxford, an insignificant village in Johnson county, sixteen hundred and twenty eight votes were returned; the names were copied in alphabetical order from a Cincinnati Directory, and include the names of many well known citizens of the State of Ohio, and among the rest that of the Governor of Ohio. The county of Johnson is part of an Indian reserve not open for settlement; I crossed it in 1856, and did not see a white man in it, except those traveling on the road. Judge Cato, in his letter to Governor Geary, of October 29, 1856, says:

"Johnson county has not as yet had a sufficient white population to make either a grand or petit jury, and no busness requiring a jury has been done in that county."

And yet, in October, 1857, more votes were returned from a single precinct in it than were cast in Leavenworth or Lawrence. Governor Walker and Secretary Stanton describe a visit to it in their proclamation to the people of Kausas, of the date of October 19, 1857:

¹¹ Accordingly, we went to the precluct of Oxford, (which is a vilinge with six houses, including stores, and without a tavern,) and ascertained from the cilizone of that vicinity, and especially those of the bandoone adjacent vilinge of New Status F4, in Missouri, (separated only by a street, and containing almost twenty houses,) that allogacent vilinge vil New Status F4, in Missouri, (separated only by a street, and containing almost twenty houses,) that allogacent vilinge vilinger to the smaller unmber, not exceeding thirty or furty, being present on the last day, when more than filteen hundred voices are represented as having been given. The proofee of Oxford, as well as those of the neighboring villegrant, and the vilinger of the present of the present of the present of the present of the viling been given, and the viling been given, and the viling derivative of the viling been given, and the viling derivative of the viling been derived and the viling derivative of indignation, not having heard, the affair with deriving or indignation, not having heard, the affair with deriving the viling vi

And yet upon these spurious, fictitious, and fraudulent returns, the convention whose action we are called upon to indorse, base their apportionment for members of a State Legislature. From the county of McGee returns were sent in containing more than twelve hundred votes. This, also, was an Indian reserve, with a sparse population, giving, in June last, but fourteen votes.

It was by such means the usurping faction in Kansas sought to continue their power; but it was all in vain. A Legislative Assembly, fairly representing the people of Kansas, now wields all legislative power, and is now engaged in extir-

pating all traces of the usurpation.

And now, sir, when popular sovercignty is for the first time practically in force in Kansas, the President calls upon us to supersede it by a device of the usurpation. We are asked to invest the very faction thus defeated and overthrown by the people, with the power of a State government based upon the action of the bogus Legislature, and upon the subsequent frauds. The legislation of the people is to be defeated by the direct intervention of Congress. We are asked to sanction all the frauds and violence of the past. Sir, heretofore this intervention has been confined to the executive and judicial departments of the Government. It was the Executive power that removed successive Governors whenever they exhibited a spark of sympathy with the people of Kansas. It is that power which has imposed upon them Calhoun, Emery, Lecompt, Cato, Clarkson, Murphy, and id genus onine. But now the intervention of Congress is asked to force an organic law upon the people against their will.

Sir, you tell us you want peace; that you are tired of Kansas; want time to devote to other great interests of the country. Well, sir, we take you at your word. Give us peace; leave Kansas alone to the enjoyment of that liberty for which she has struggled so long and so well. us take no further thought of her, but leave her to herself. But, sir, while you cry, "Peace! Peace!" you thrust upon her an organic law, which she rejects, and you compel her to resort to revolution to overthrow it. While you cry peace, you station armies all over her prairies to overawe her people; and what is worse to a free people, you force laws upon her which she rejects and detests. And, sir, this odious tyranny is sustained by a system of technical pleading worthy of the age of Littleton or Coke, when government was based upon the maxim "that the king can do no wrong." Let us examine it. The President at the outset assumes two prop-

ositions, neither of which is correct. The first is, that the Legislative Assembly is a valid one; the second is, that without express authority of Congress it may call a convention, and through it bind the people to a constitution not submitted to them. Here, sir, is no reference to the people; no reference to their inalienable rights. The doctrine of estoppel is thrust in their face, and they are required to look to the Territorial Legislature as the source, the origin, the exclusive possessor of all their rights.

The legality of the Territorial Legislature is based not upon the authority of the people, but exclusively upon the allegation that Congress had to run, the bogus Legislature had adjourned, and recognized it as valid. This allegation is thus had only sought to propagate itself through a con-

stated in the letter of the President to the Connecticut clergymen:

"It is quite true that a controversy had previously arisen respecting the validity of the election of members of the Territorial Legislature and of the laws passed by them; but at the time I entered upon my official duties, Congress had recognized this Legislature in different enactments."

Now, sir, I deny that Congress has ever recognized the validity of this Legislature; and am surprised that such an assumption was made by the

President.

That President Pierce recognized that Legislature, and sought to enforce their enactments with United States troops, is admitted; but it will be as readily admitted that the President cannot make laws, or impose laws by recognition upon the people of Kansas. I admit that the Senate recognized that Legislature at the same time that many of its leading members, including the present Secretary of State, denounced their acts as infamous. But, sir, the Representatives of the people in this House never recognized it as a valid one; and as this is an important allegation, I invite the attention of the House to the action of the House during the last Congress. The attention of the House was early drawn to

this subject. Under a resolution of the House, adopted on the 19th of March, 1856, a committee was sent to Kansas especially charged to examine "in regard to any fraud or force attempted or practiced in reference to any of the elections which have taken place in said Territory." Upon the report of this committee, the bill to admit Kansas as a State under the Topeka constitution, already referred to, and which was based upon the position that the acts of the Legislative Assembly were null and void, passed this House. On the 27th of July, 1856, this House, by the decided vote of 88 years to 74 nays, passed the bill, commonly known as Dunn's bill, which denied the validity of the Legislature; declared their acts void; provided for the dismissal of all prosecutions under them; and forbid any prosecution for any violation or disregard of the chactments of that body at any time. The House, by a great number of votes, refused to make any appropriation for the compensation and mileage of this Legislative Assembly. This was done on the 14th of August, 1856, by the vote of 90 yeas to 97 nays, and was persisted in until the Senate yielded, and the appropriation for that purpose was stricken from the legislative appropriation bill. I defy gentlemen to point me out any law, anywhere, by which the last Congress authorized the payment of money to the first Kansas Legislature. It is true that, in the last session, in the bill making appropriations for the ordinary legislative, executive, and judicial expenses of the Government for the year ending June 30, 1858, the ordinary appropriation was made for the ex-penses of the Kansas Legislature; but, sir, this money could not be used, without a clear violation of law, to pay the expenses of the bogus Legis-lature. The appropriation was expressly for the year commencing July 1, 1857, and ending June 30, 1858. It was for the Legislature to be con-30, 1858. vened and held between those dates. Such a Legislature was elected, in October last, under the organic law, and is the one now in session.

Months before this appropriation commenced

stitutional convention. And if, sir, the President has diverted the appropriation for the Legis-lative Assembly for the current year, to pay the expenses of the old, rejected, dishonored body, whose functions had ceased before the current year commenced, he has done it in clear violation of law, and, whatever may be our party predilections, should be impeached by this House.

Sir, this appropriation for a Legislative Assembly in Kansas for the current year ending June 30, 1858, during which the illegal Legislature was not in session, and the steady refusal of the House, finally concurred in by the Senate, to appropriate money for the year during which it was in session, instead of being construed into a recognition of that body, is a decision of both branches of Con-

gress against its validity.

Nor can the admission of General Whitfield, at the last session, as a Delegate, be construed into a recognition of that Legislature. At the first session, both he and Governor Reeder were rejected, bécause neither was elected under valid law, and the House could not determine which received the greater number of legal votes. At an election in October, 1856, to fill the acknowledged vacancy, no one was voted for but General. Whitfield, and no one appeared to claim the seat but him. Under these circumstances, without considering whether the law under which he was elected was valid or invalid, he might be admitted; and his admission would raise no implication for or against the law.

But, sir, the last House did not leave this question to implication. On the 17th day of February, 1857, it passed, by the decided vote of 98 year to 79 nays, a bill for the relief of the people of Kan-sas, introduced by Mr. Grow; the preamble of this bill was agreed to by a vote of 95 yeas to 68 nays. To show the clear, decided repudiation by the House of this legislation, I will read the

preamble and first section:

" Whereas the President of the United States transmitted to the House, by message, a printed pamphlet purporting to be the laws of the Territory of Kansas, passed at Shawnee Mission, in said Territory: and whereas unjust and unwarranted test oaths are prescribed by said laws as a qualifi-cation for voting or holding office in said Territory: and whereas the committee of investigation sent by the House to Kansas report that said Legislature was not elected by the legal voters of Kansas, but was forced upon them by non residents, in violation of the organic act of the Territory, and having thus usurped legislative power, it enacted cruel and oppressive laws: Therefore,

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Thut 19. INC. UNION STATES OF STREET, IN CONFIGURATION OF STREET, THE STREET, AND STREET, AN

This bill passed the House but a little more than two weeks before the adjournment, when the President took the oath of office. How the President could, in the face of this act, assume that Congress, of which the House is the important part, had recognized this Legislature in different enactments, is beyond my comprehension. Sir, I call upon the friends of the President to make good this bold assertion, or the whole string of technicalities by which he supports the Lecompton constitution is worse than a broken reed.

The other assumption of the President my time will not allow me fully to discuss. The Senator

from Illinois [Mr. DougLas] has called it a fundamental error, which lies at the foundation of the whole argument of the President. With due deference to such high authorities, I think the fundamental error is in recognizing the Territorial Legislature as having any authority at all; but as the Senator is committed by his action in the past upon this point, I will only express my concurrence with him, that in this proposition the President has committed a second fundamental error. And, sir, I wish to call the attention of the House to the speech of the President already quoted. He there says:

"No Senator will pretend that their Territorial Legisla. ture had any right whatever to pass laws enabling the people to elect delegates to a convenion for the purpose of forming a State constitution. It was an act of usurpation on their part."

Contrast this opinion, twenty-three years ago, which no Senator would then contest, with the Then it was an act of usurpation for a message. Territorial Legislature to call a convention. Now a Territorial Legislature is so potent that Congress cannot require the constitution to be sub-mitted to the people. Then the usurpation was utterly void unless sanctioned by the people. Now it is so potent as to override the will of the people. But passing this singular inconsistency, I desire, for the few minutes I have left, to call the attention of the House to the history and character of the Lecompton convention.

The act authorizing it was the act of the bogus (I trust the House will pardon the use of a word not to be found in any dictionary, but it expresses my meaning) Legislative Assembly of Kansas. It was passed by that body just two days after the House, by a decisive vote, declared its acts invalid, and of no binding force or effect. Every act to be done under it was to be done by its crentures-persons selected, not by the people, but by it. The sheriffs and probate judges, or deputies appointed by one of them, were to make the lists of voters, and no person was permitted to vote unless his name was upon the list. The whole election was to be managed, controlled, and returned by these deputies of a power whose position was attained by an illegal election. Thus the people had no control over the election; and even if its officers had obeyed the act, the snurce of their authority would have cast suspicion upon their acts. But the act was not obeyed by them. Governor Walker thus states the facts in one of the documents submitted to us by the President:

"On reference to the territorial law under which the convention was assembled, thirty-four regularly organized counties were named as election districts for delegates to the convention. In each and all of these counties it was the convention. In each and all of these counties it was required by law that a census should be taken and the voters registered; and when this was completed the delegates to the convention should be apportioned accordingly. are convenious stoudy as appearance accordingly. In misconvenience countes there was no ecentar, and interestive litere could be no such apportionment there of delegates based upon such census. And in Sifteen of these counties there was no registry of voters. These fifteen counties, including many of the oldest organized counties of the Test risory, were entirely disfranchised, and did not give and (by mory, were entirely distranchized, and did not give and by no fault of their own) could not give a solitary vote for disparse to the convention. This result was superinduced by the fact that the Tendfrent of the superinduced by the fact that the Tendfrent of the superinduced by the Tendfrent of the Tendfrent of the Section of the Tendfrent of t from want of funds, as tiny allege, neglected or refused to take any census or make any registry in these counties, and

therefore they were entirely disfranchised, and could not and did not give a single vote at the election for delegates to the constitutional convention.

The registry law was executed, and voters were registered in fourteen counties only, namely, Johnson, Lykins, Lynn, Bourbon, Douglas, Shawnce, Doniphan, Atchison, Leavenworth, Jefferson, Nemeha, Calhoun, Marshall, and Riley. In these fourteen counties the registry was grossly inaccurate. A large portion of the best known settlers were omitted, and many non-residents were included. The result was that, at the election, out of a voting population of about fifteen thousand, less than eighteen hundred votes were cast for the members of the convention. And this was not occasioned simply by a neglect to vote, by an indifference as to the result; for several times as many persons were disfranchised in the counties where the registry was not taken and where it was imperfectly taken, as voted at the elec-

When the meagerness of this vote was known through the country, it was generally supposed that the convention would never meet, that the members themselves would abandon the movement. For some time a quorum could not be got together, and finally an adjournment was carried until after the October election. It cannot be doubted that if the Kickapoo, Oxford, and McGee frauds had been successful, the convention would have been abandoned as an abortion. But the cabal saw the scepter departing, and knew that the new Legislature would remove all traces of previous attempted legislation. Then, and not till then, the desperate expedient was resorted to of putting in force a State government and thus superseding the new Territorial Legislature. could only be done through the action of the convention by framing a constitution and putting it in force without a submission to the people. But in the way of this reckless scheme there were many difficulties. There was the imbittered hostility of the people who looked upon the convention as the only residuum of the old tyranny, and who would, but for the United States troops, have scattered its members by force. There was the promise of the President, in his letter of March 30, 1857, appointing Governor Walker, that the constitution should be submitted to the people of the Territory, that they must be protected in the exercise of their right of voting for or against that instrument, and that the fair expression of the popular will must not be defeated by fraud or vio-lence. There was the inaugural address of Gov-ernor Walker, that unless the convention submit the constitution to the vote of all the resident settlers of Kausas, and the election be fairly and justly conducted, the constitution will be, and ought to be, rejected by Congress; and that Kansas never can be brought into the Union, with or without slavery, except by a previous solemn decision, fully, freely, and fairly made by a majority of her people in voting for or against the adoption of her State constitution. There were his repeated speeches and promises to the people of Kansas, made with the sanction of the Administration, that the constitution must be submitted to the people, or he and they would assist in its defeat. There was the organic law of the Territory, the party cry -the shibboleth of popular sovcreignty, that the PEOPLE were to be perfectly free ask to be let alone. They hold you to your

to form and regulate their domestic institutions in their own way. There was the recent action of the Democratic party in Kansas sustaining Walker and pledging the party that the constitution should be submitted to the ratification of the people. There was the pledge of the president of the convention, and many of the leading delegates. that the constitution should be submitted. There was the danger of the destruction of the Democratic party, without whose potent aid the whole scheme of villainy would be defeated. There was the certainty of civil war in the Territory if the attempt was made to impose this constitution without submission; and the certainty of a revolution to change it.

One would have supposed that the most des-perate men would have been deterred by these obstacles. Yet they deliberately concocted a constitution, and now ask our aid to put it in force without a submission to the people, and against their known will. If this had been done directly, we must have given them credit for boldness; but, to relieve the Administration as far as was consistent with their great purpose, they submitted one clause only of the constitution, that relating to slavery, to the people. But before any one could exercise this poor privilege, he must vote "for the constitution," and swear to support it, if adopted. The vote must be "for the constitution with slavery," or "for the constitution without slavery." In any event, it must be for the constitution. One half of the promise of the President, Governor Walker, and the Democratic party, was fulfilled. They said the people should be protected in their right to vote for and against the constitution. Surely they ought to be satisfied if they were allowed to vote for it! If the people had been allowed to vote against the constitution, they would have been so unreasonable as to have voted that way, and that would have been a direct intervention, by the peo-ple, against the President! Is it not strange, sir, that the faction that marshaled three invasions, that controlled all power for three years in Kansas by force and fraud, that boasted of the Oxford, Kickapoo, and McGee frauds, should, in the last stage of its existence, be driven to so shallow an expedient to maintain their power; and that the President of the United States should sanction the fraud? Sir, this device was not for the people of Kansas, but it was pabulum for the President and the honest masses of the Democratic party in the northern States. Among the settlers it deceived no one; in the South it deceived no one. Whether the slavery clause was voted in or voted out, slavery was in the constitution and protected by it. recent elections in Kansas show how they regard the whole scheme and its authors. Both are repudiated, rejected, and despised. They will resist it with stratagem, artifice, and open force. Under forms devised by their enemies they now have control of a trio of governments. They are now nursing a territorial and two State governments; but, if let alone, will soon supersede all these by a State government formed by a legal convention, and sanctioned by the people. They do not ask your intervention. When it might have saved them from fraud and violence you did not interfere, but allowed the President, with the whole power of the Government, to uphold an odious tyranny over them. Having overthrown this, they only

Words - Non-intervention and the will of the people.

Sir, I am conscious that but for one event it would be in vain to resist the admission of Kansas under the Lecompton constitution. It would be in vain to point to the invasion of March 30, 1855; to the illegal Territorial Legislature and its progeny; the constitutional convention; and to the innumerable frauds that form the history of both. All these would have been but as a rock in the They might have way of a mountain torrent. prolonged the struggle in this House; but experience has taught us that the interests of slavery and Federal patronage, when combined, can overcome all obstacles like honor, good faith, party come all oostacles like honor, good lattle, parly promises, the will of the people, and the peace and prosperity of the country. When we met here I knew these were against us, and while prepared to resist, it was without hope. The Supreme Court had become the mere citadel of a local institution and was enthroned for life. The Senate, although much improved, was still against us. The message of the President only served to show that a struggle had taken place between his conscience and duty on the one hand, and his allegiance on the other; out that the result was against us. We knew that a majority of the Cabinet was from the South, and thus controlled the immense patronage of the Government. The signs of disaffection in high places, and among the northern Democrats, were visible. But we knew the power of purty drill and what weak pretexts would "correl" the disaffected. We knew that the Democratic party was in the ascendant, and this party everywhere was controlled by the superior numbers and sagacity of the southern branch of it; whose guiding star through storm and sunshine, through victory and defeat, was ever the same-the domination of slavery. Under these circumstances, what could we hope? If a slave constitution was presented, what did the "inner temple" of the dominant party care that fraud, violence, and civil war stood in the way; that honor, personal and party pledges forbid; that their rallying cry, the will of the people shall rule, was trampled upon? I expected, as a matter of course, to see northern Democrats wince and bear the yoke impatiently; but in due time we see them excuse and then applaud the notable device—of submitting a constitution to the people, but requiring them to vote " for the constitution," and prohibiting all votes " sgainst the constitution.

And, sir, now the only hope I have to defeat this constitution here is, that I can set uo way in which slavery can, as the matter now stands, gain any practical advantage by indocsing this constitution. We now have the returns of the recent election. The returns of the vote on the 21st of December, on the submission acheme, show 6,063 "for the constitution with abavery;" but included in the 6,063 are the following returns: Maryatile, 232—a trading post one hundred and fair miles from the Missouri river, and where there, 729—both in Johnson county, and within an linding reserve, where white men cannot settle; Delaware Crossing, a ferry station within the Delaware Crossing, a ferry station within the Delaware crossing, a ferry station within the Delaware caservation, 254; and Kickapoo, a small vil-

lage opposite Weston, 1,017: in all, 3,498. These returns are manifestly fraudulent and spurious, leaving but 2,555 " for the constitution with slavery." This number includes alleged illegal votes at Fort Scott, Leavenworth, lowa Pont, and other places; but I reject only those that are manifestly factious, as returns from places where three hundred legal votes could not have been given; and this miserable faction is represented by 2,565 votes. On the other hand, at a legal election held under authority of the Territorial Legislature, on the 4th January, 155S, and certified by Gov. Denver, a vote of 10,225, all confessedly legal votes, was polled against the Lecompton constitution.

was polled against the Lecompton constitution. Now, sir, if you dare, in the face of his vote, strempt to fasten upon the people of Kansas the Lecompton constitution, you will only deepen their hostility to it and to slavery, and enable them, by its speedy overthrow, to add another wreath to their well-enrired laurels. They will resist you, and all the power you can bring against them; and craven be he that would not aid them in the holy context! Callioun may, if he dare, certify and return a pro-slavery insjority to both branches of the Legislature. The President may arm Lecompte and Cato with injunctions, attachments, writs of mandanus, and all the enginery of the law. You cannot forcesthat people to submit to this constitution. They will resist it and overthrow it; and, sir, they will not be friendless and alone in his struster.

and alone in this struggle. But I trust that this dark cloud may pass away; that a returning sense of justice in southern Representatives, or some show of mainly finness in those from the North, will defeat this measure. I trust that the same sense of fraternal kindness that guided our fathers in their revolutionary struggle; that smoothed many difficulties firstle formation of this Government; and, more potent, that all else, that the guiding hand of Divine Providence may save our beloved country from the shock of civil strife, or civil revolution—the inevitable consequence of any further tyranny upon the people of Kansas.

In conclusion, allow me to impress the South with two important warnings she has received in her struggle for Kansas. One is, that though her able and disciplined leaders on this floor, aided by executive patronage, may give her the power to overthrow legislative compacts, yet, while the sturdy integrity of the northern masses stands in her way, the can gain no practical advantage by her well-laid schemes. The other is, that while she may indulge with impunity the spirit of fillibusterism, or lawless and violent adventure, upon a feeble and distracted people in Mexico and Central America, she must not come in contact with that cool, determined courage and resolution which form the striking characteristics of the Anglo-Saxon race. In such a contest, her hasty and impetuous violence may succeed for a time; but the victory will be short-lived and transient, and leave nothing but biturness behind. Let us not war with each other; but, with the grasp of fellowship and friendship, regarding to the full each other's rights, and kind to each other's faults, let us go hand in hand in securing to every portion of our people their constitutional rights.

LECOMPTON CONSTITUTION,

AND THE REPORT OF THE

COMMITTEE OF CONFERE

DELIVERED IN THE SENATE OF THE UNITED STATES, APRIL 28, 1858.

The Senate having resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (S. No. 161) for the admission of the State of Kansas into the Union—Mr. STUART said:

Mr. PRESIDENT: The important subject growing out of the admission of Kansas as a State into this Union, is again presented to the consideration of the Senate through the report of the committee of conference. While there are certain preliminary questions respecting the authority of the Senate to consider that matter, until the bill has been returned to us by the House of Representatives, I propose for the present to pass over those, and to consider the immediate subject before us.

It seems to me indispensable to a fair understanding of the question now presented that we should recur to the history of this transaction, and see what has been done heretofore. In doing so at this time, I feel it incumbent on me to say that, while I shall treat the members of the committee with that respect which I feel for them individually, and which is due to them as members of this body, I shall treat their report according to the rules of interpretation, and I shall insist that they mean by that report precisely what will be, in my judgment, its necessary consequences.

Sir, about two years ago, so far as the action of the majority of the Senate was concerned, we determined that Kansas might be admitted into the Union. We determined at that time, that so far as the question of population was concerned, there were such circumstances incident to the existence of this Territory, and the character of its people, as to make it expedient and proper that they might form a constitution, organize themselves as a State, and at that time be admitted into the Union. When we came here at the commencement of the present Congress, we found that the people of Kansas, acting, as it is said, through a convention, had prepared a constitution, had partially organized a State government, and had demanded admission into the Union as a State under it. Upon the announcement of this fact by the President of the United States, I deemed it

Briggs

my duty to say that, in my judment, such had been the conduct of that convention, so completely had it set at defiance the provisions of the organic act of the Territory, so completely had it attempted to overturn the principles of self-government, so enormously had it concocted a fraud, and sought to fix that fraud upon the people, that I never could, and never

would, agree by my vote to aid in carrying out that effort.

But, sir, at a later day, the constitution was received; was submitted to the Senate. It was referred to the Committee on Territories. When it came back here we found this remarkable fact, which becomes an important consideration in determining upon the question of the report of the committee of conference to-day. The first copy of that constitution, which was suthentically published, was published in the Washington Union, and was said to have been obtained from the President of the United States; and when that constitution was published, this land ordinance was the the first division in order in the instrument, and it appeared to be a component part of it. In connection with that question, let me quote from the certificate attached to the ordinance itself:

The within is a true and perfect copy of the ordinance adopted by the constitutional convention, and submitted as part of the constitution by the convention which assembled at Lecompton on the 5th day of September, A. D. 1857.

JOHN CALHOUN, President Constitutional Convention.

LECOMPTON, KANSAS TERRITORY, January 14, 1858.

There we have the fact, the only evidence we had, to wit: the certificate of the president of the convention, John Calhoun, that this paper, on which we have been acting, is, in fact, the constitution made by the Lecompton convention—was equally conclusive to show that that convention submitted, as a part of the constitution, the ordinance which accompained it; and yet we find that the Committee on Territories, in their report, come to this conclusion:

"The committee do not approve the ordinance accompanying the constitution, and report against its allowance; but they do not regard it as any part of the constitution, nor will its approval or disapproval by Congress affect the validity of that constitution if the State be admitted into the Union as recommended."

Now, sir, I call the attention of the Senate to this important posture of affairs. Acting upon the report and judgment of that committee, the Senate proceeded to consider the bill which they reported. They adopted the opinion contained in the report, that the ordinance was no part of the constitution, and that the constitution would be in no wise affected if the State were admitted into the Union under it, though we disapproved and disavowed the ordinance. That bill was sent to the House of Representatives. The House of Representatives refused to pass it. There was ascertained to be a decided, fixed, unalterable majority of the House of Representatives against that bill; but they sent us instead of it a proposition of their own, a plain, just, fair proposition, one which it became Congress to make, and would be becoming the people of Kansas to receive and act upon. It came here. The Senate refused to take it, and sent it back to the House of Representatives; the House adhered to between the two Houses.

Now, what do they say I sak that question here to-day, and I shall be obliged to any member of the committee, or to any advocate of their report, if they will answer me some of the questions which, in the course of

I' bell read and free light

my remarks, I shall ask. I repeat again, Mr. President, what do the committee say? That there is a difference of opinion between the two Houses as to whether the constitution reflects the will of the people or not, as to the propriety of whether it should be submitted to the people in order to determine whether it is their will and their constitution? Not a word of it. Will any member of the committee, or of this body, tell me that there has been any other dispute between the two Houses than that? I beg leave to repeat the question, sir; for I desire it somewhere to be answered: will the committee, or any advocate of its report, tell me that there has been any dispute between the two Houses, except as to the question whether this constitution was fairly made, and whether it really and truly reflected the will of the people of Kansas? That is the only question upon which the two Houses have been differing.

But what says our committee! They say it is important to determine a question upon the ordinance. I would like to ask a member of the committee. I would like to ask an advocate of their proposition, where did you learn that there was a dispute in Congress, or in Kansas, about the ordinance? Where is the information that the people of Kansas are disputing with the proposition of the Committee on Territories of this body, as to the amount of land they shall have? Who has heard it, and from whence did he hear it? Who has heard the question mooted in the Senate? Who has heard it mooted in the Hall of the House of Representatives? Has a man in the broad domain of the United States raised a dispute upon

this topic? Not a living man.

Sin I alluded to it in the first speech I made here for a purpose which is pertinent to-day. I alluded to it as a part of the plan of that convention to bribe the people of Kansas. By this plan, if it was found impossible to seduce a majority of Congress, that convention might hope that the people of Kansas, if they could get \$30,000,000 worth of land, might be willing to take this constitution. Before I made my speech in December last, the acting chairman of the Committee on Territories (Mr. Green) made a speech in reply to the honorable Senator from Illinois, (Mr. DOUCLAS;) and what did he say! He said:

"The ordinance that accompanies the constitution is held by some to be extravagant in its demands on the Federal Government. It may or may not be so. Whether it be right to accede to the proposition submitted in the shape of an ordinance or not, I shall not now stop to discuss; for I hold that it is no part of the constitution of Kansas. It is a separate proposition presented by the convention of Kansas, and it is a matter of contract with the Federal Government whether we accede to it or not. We may disaffirm that contract. In other words, it is a proposition, and we may make a counter-proposition. It is a matter for consideration, for adjustment; and it is no branch or part of the constitution of the State."

I have said that the president of the convention certifies to us that tit is; and that the convention at Lecompton made it a part of the constitution; and that we have no better evidence of the constitution itself than we have of this fact. But, sir, I care not which way it is settled. I say again that, from the time this measure was introduced into Congress down to to-day, there has not only not been no dispute between the two Houses, but there has been no dispute between any members of Congress, as to whether we should give one or the other of these land propositions. And yet the conference committee conies here and tells us that they have deemed it desirable to submit to a vote of the people of Kansas, the question whether they will take the same land donations that we made to the State of Minnesota in the bill for the admission of that State into the Union.

By what authority, I say, do they tell us that story, and upon what ground is it founded? They tell us that that is the only question submitted. The Senator from Virginia, (Mr. Huwrer,) and the Senator from Missouri, (Mr. Green,) both affirmed in their places yesterday that there was no submission of the Lecompton constitution to the people of Kansas. The Senator from Virginia said he never had agreed, and he never would agree, to submit to the people of Kansas the Lecompton constitution by an act of Congress; and yet, both of these Senators tell us, the bill which they have presented tells us, that if the land proposition fails, the constitution fails, and they are not admitted as a State into the Union; but, if the people, by a vote, agree to the land proposition, then the President is to issue his proclamation, and proclaim the State in the Confederacy.

Now, sir, let me state to the Senate a perfect illustration of this doctrine. Then the trapper sets his trap to eatch the fox, or the angler baits his hook for the fish, he says to the fox, "I do not propose to eatch your head in that trap; the question whether you will put your head into it or not is not presented; but the only question is whether you will eat the bait." So of the angler. He says, "I have no idea, Mr. Fish, that you will fasten this hook into your gills—not at all; the proposition that I submit simply is, will you swallow the bait!—that is all." We do not say to the people of Kansas that their votes shall have any effect at all upon the constitution made at Lecempton; we deny that: I would not, says the Senator from Virginia, agree to any such proposition as that at all; but, I will say to them, that just as you yote on the land ordinance so is the result upon the con-

stitution.

Now, Mr. President, is that a proposition which it becomes a Congress representing thirty million people to make? Is it a proposition that it becomes the descendants of those who fought at Bunker Hill and Yorktown to agree to? Never, sir. It is a despicable proposition. It is a proposition worse than that of the thimble-rigger, for he allows you to bet on which thimble the ball is under. He makes a direct proposition. He does not say to you, "let the thimble which we both know to have nothing under it test the question whether, it is under the next one or not." Sir, such a mode of conduct, I-repeat, is despicable on the part of the Congress

of the United States.

What, then, is the plain object of this proposition? It was ascertained, as I said, that a majority of the House of Representatives could not be obtained for the Senate bill. What was the reason? Because a majority of the House insisted that it should be submitted to a vote of the people of Kansas to say whether this is such a constitution as they wish, and whether it reflects their will. But the Senate of the United States was not willing to come to that doctrine. How, then, was the fact? The dispute, I say, was upon the question of submission, and hence the committee set to work to make a Janus-faced proposition-one, which, in the South, by southern Democrats, should be declared to be no submission of the constitution to the people of Kansas at all; it should be denied there as it is denied to-day by the Senators from Virginia and Missouri, constituting a majority of the Senate committee; and which, in the North, could be insisted upon as a submission of the constitution to the people of Kansas, and for which you might get the northern anti-Lecompton Democrats in the House to vote, because it is a submission; and get the Southern Lecompton Democrats to vote for it because it is not a submission. Sir, like that celebrated hunter, who aimed to kill the animal if it was a deer, and miss it if a calf, you say

to the members constituting the two bodies of Congress to-day, if you are true game, and vote to reject this proposition, it will kill you whether you live North or South; but if you vote for it, you will be a living call all the days of your life. No matter in what section of this country you reside, if you vote for the measure there is no danger; because, at the South, we insist it is not submitted; and at the North, we insist that it is; vote against it, and we will charge you in the South with being false to our interests; we will charge you in the North with voting against the only means provided to ascertain the will of the people upon the constitution

itself. That is the English of it. There will be very few gentlemen in Congress deceived or misled upon this subject; there will be very few persons in the States of the Union who will be misled by it; and there will be none at all in the Territory of Kansas. The people of Kansas, like every other patriotic, honest people, will indignantly set their heel upon it; and let me tell you why. I speak not this, Mr. President, in the spirit of prophecy; I speak it in the face of history. The vote of the 4th of January in Kansas was a vote taken before the question was presented here; it was taken upon the constitution as the Lecompton men made it, with every one of these enormous land grants in it; and the people pronounced against it by a majority of ten thousand and more. After having this bantling here in Congress; after kicking it about between the two Houses, and then sending it back with the proposition reduced, as the Senator from Missouri says, from thirty million acres to about four million, do you suppose that you have any better prospect of No, sir. I say the people of Kansas will indignantly set their Success ? heel upon it.

Let me inquire how Congress stands on this question to-day. I affirm that the bill reported by this committee, by way of amendment, falsifies every argument which the advocates of the Senate bill urged for its passage. They said that the Lecompton convention had a right to say, and nobody had a right to question it, whether the constitution should be submitted to the people or not, and as they said, so it must ever remain; and yet this bill actually places it in the power of the people of Kansas to kill the instrument by a vote at the polls. More than that, sir, this bill provides, that if the people of Kansas reject this proposition, they shall not make another for admission into this Union until they have population sufficient, according to the ratio of representation, to entitle them to a member in the House. But, further, it says that the Legislature of Kapsas, when proceeding to take the initiatory steps for a new constitution, shall act "in conformity with the Federal Constitution, subject to such limitations and restrictions as to the mode and manner of its approval or ratification by the people of the proposed State as they may have prescribed by law, and shall be entitled to admission into the Union as a State under such constitution thus fairly and legally made, with or without slavery, as said constitution may prescribe."

Here the very advocates of the Lecompton constitution, upon the ground that the convention had the sole power to determine the question of submission or not, come in, and say that the next convention shall take such directions as the Legislature convening them shall make. What, then, becomes of the ground upon which they advocate this constitution!

Mr. Pugh. I wish to correct the Senator if he will allow me.

Mr. STUART. Certainly.

Mr. Pugh. The ground taken, was that, inasmuch as the act under

which the delegates were elected contained no provision at all on the subject, therefore, the question was entirely within the discretion of the convention.

Mr. STUART. I am stating the grounds which the general advocates of this measure presented to the Senate. I know that, if you undertake to abalyze all the arguments that were made by the supporters of the Senate bill, you would find no two of them, scarcely, standing upon the same ground. But I proceed now, in connection with this, to another proposition, based upon the great doctrine of non-intervention; and it was this; that you had said to the people of Kansas, in their organic act, that they should proceed to form a constitution and State government in their own way. That was the language of the honorable Senator from Missouri in his first speech-that Congress had no right to provide the way; that they were at liberty to take their own way; yet, sir, in this bill you say that they shall only do it by a law of their Legislature; and that that law shall provide the mode, and manner, and time, of submitting the constitution to the people. I should like to know if that is non-intervention?

What further, Mr. President? The advocates of the Senate bill said that it was not of so much consequence how this thing was settled, as it was that it should be promptly settled. That is the great argument of the President: admit the State, no matter how, and you have ended all controversy about it. This bill says that, if the people of Kansas do not take this Lecompton constitution, they shall make none, shall have none, shall be no State until they have a sufficient population to entitle them to a member of the House of Representatives. What, then, becomes of the "speedy"

argument for the settlement of this question.

What next? It was important to take it out of Congress. Well, sir, we have been taking this subject out of Congress ever since I have been in; and the more we have taken it out, the more we have taken it into Congress. What is the result here if the people reject this constitution ! Cannot they make another application to Congress the next day, or at any time when they please, and is it not perfectly competent for Congress to repeal this law and admit them? Who denies it? If the very next Congress chooses to admit Kansas under a constitution that she shall make, who can prevent it? No power on earth. Then you will have the question presented to Congress continuously, debated here, the country agitated, until it is finally disposed of.

- How beautifully does the House bill compare with this miserable proposition of the committee of conference. That proposition said to the people of Kansas, "vote as you like upon this constitution; if you vote in favor of it, very well, the President proclaims you a State in the Union; if you vote against it, proceed to form the one you do wish, and come immediately and promptly into the Union," and that, too, without the action of Congress. There was a proposition which met the argument of the advocates of the Lecompton constitution. There was a proposition that was fair to every section of the country; and more than that, sir, for the first time in the history of legislation upon the subject of Kansas, it was fair to the people of Kansas.

But, sir, what does this proposition say? Is there a Senator within the hearing of my voice to-day who believes, if this land measure was separately submitted to the people of Kansas, disconnected from any other question, that there is a man in Kansas who would vote against it? Not a man. There is not a Senator, nor a Member of the House of Representatives, who

supposes that this land donation would receive a negative vote in the whole Territory of Kansas. Look now, sir, at the miserable trick contained in the substitute of the committee. That says to the people, if you vote upon a subject upon which you have no two opinions, a subject which you are all for, we think, there is a better chance of getting you to put the hook into your mouth, or put your head into the trap, than if you voted upon the trap or the hook itself. Yet the Senator from Virginia said, with something of astonishment, not to say indignation, that this was no threat to the people of Kansas. Sir, I affirm, in my place here to-day, that it is, and is a threat of the most objectionable character. It compares unfavorably with the attempt of the Lecompton convention. The attempt of that convention had the merit of boldness, of audacity, of desperation; it spoke in open daylight, and said to the people of Kansas, you shall have no power to reject this constitution, because, if we give you the power to do so, we know you will reject it; but this is an attempt to wheedle, to eajole, first the anti-Lecompton men in Congress, and next the people of Kansas. Not a threat, sir ? What is an election ? Is it not the free, unembarrassed, and unbiased choice between two distinct propositions! When you vote for a candidate for President, do you not vote against some other candidate ! Is not your choice free, untrammeled, to vote for A or to vote for B, as you

What was the House proposition which we rejected, and for which the committee of conference recommend this amendment as a substitute! It was this: if you want the Lecompton constitution, take it; if you reject it, you have the liberty to make one for yourselves which will be satisfactory, and you are to proceed to do it. But this amendment says if you will take this constitution, which is known to be obnoxious, we will grant you so much land. I say, Mr. President, it is known by every form of procedure that becomes a free people, by the resolutions of conventions, by the memorials and resolutions of their Legislature, by the memorials of their civil officers, by a vote of the people at the polls; by every means, I repeat, which becomes a free people, Congress is historically advised to-day that the people of Kansas are uncompromisingly opposed to this in-Knowing that-yes, sir, there ought to be emphasis upon these words-knowing that, this committee amendment submits a land proposition which no man in Kansas, or here, disputes; and says, if thus induced, you vote for the land, you are under a constitution which you hate and despise.

Sir, it was noble, it was patriotic, it was becoming the great name and fame of the honorable Senator from Kentucky, (Mr. Catternora,) when he asked the Senate yesterday, what would Southern Senators say with this proposition reversed? If this were a free-State constitution, and had been rejected by the people of Kansas in all the forms in which this has been, and it should be now proposed to submit it to them in this mode, this despicable, trickish mode, is there a southern man in Congress who would vote for it? Not a man. I can say in the sincerity of my heart I wish to God that were the fact this day. If it were, I would stand here as I stand to-day; and so long as I am permitted to represent that intelligent and noble people living in the State of Michigan, I never will agree that there shall be one mode of proposing to a people for a slave-State, and another for a free-State constitution—never, sir, never. Is this self-government? Is this leaving the people of Kansas, in the language of the organic act, perfectly free to form and regulate their own domestic institu-

tions in their own way! Is this perfect freedom? What, then, I ask, would be perfect oppression? Sir, no man dare assert it. It is not pre-tended to be,

When that House bill was sent here, the Senator from Pennsylvania (Mr. BIGLER) made a speech against it. Speaking of the doctring that

Congress has always advocated, he said:

"An essential element in that doctrine is, that Congress will not interfere with the domestic affairs of the Tergitories; that as to the mode and manner of making a government, the people of the Tergitories should be unrestrained; that Congress would decide only upon the question of admission under the obligations of the Constitution, and that would be on the single point whether the government presented was republican in its form, and not as to the mode of making the constitution leaving that work with the people."

He objected to this House proposition because it undertook to provide how the people of Kansas should make the next constitution if they rejected this one. Does not that objection apply with equal, and with greater force to this proposition? Speaking of this doctrine further, he says:

"Sir, that is the doctrine of the Democratic party, held by them because it is consistent with the Constitution, consistent with the true interests of this great country, and with the rights of all classes of the people and all sections of the Union.

"Now, sir, I regard the House propertion as direct and violent intervention, because it proposes to discard what the people have done, and to institute a new mode of proceeding. It proposes to set aside what the people of Kansas have done in the way of changing their government from a territorial to a State form, and to prescribe to them how they shall proceed hereafter in making a government."

That was the Senator's notion of intervention, and that was the basis of his objection to the House bill. He objects to the bill, further, because it does not present the issue which he says exists in the State of Kansas. He says the issue in Kansas is the slavery issue; and that, by the House bill, they are not at liberty to vote upon it. Are they at liberty to vote upon it in this proposition? Hear his argument, sir. He quotes from the House amendment this clause:

"At the said election the vote shall be by ballot, and by indorsing on his ballot, as each voter may please, 'for the constitution,' or 'against the constitution.'

He then says:

"That form you perceive, sir, would not present to the people of Kansas the great question at issue there, the question which has agitated the country from one extremity to the other; to writ: whether Kansas shall be a free or a slare State. Shavery is in the constitution as it stands, and the question thus presented would be, whether they would have a slave State or no State at all."

Those words, to make them emphatic in the Senator's speech, are italicized. He objects to the bill because it presents the question whether they will have a slave State or no State at all. Does not the proposition of the conference committee do that, too? He did not state the House proposition correctly, because the question presented there was, would they have the Lecompton constitution or have a new one made by themselves? but this proposition is the exact case stated by the honorable Senator from Pennsylvania. The question here presented to the people of Kansas is, will you have a constitution making a slave State, or no State at all; because Congress says in its bill, that if you do not accept this proposition, you shall have no State at all for an indefinite period of time.

Now he reasons:

"Those who desire it to be a free State would have no fair opportunity of carrying out their will. They are to be disfranchised on this vote."

Is not that this case, so far as human language can perfect it?

"They can have no voice. Now, sir, if this measure is to be adopted, the form of voting ought to be such as would give those people the opportunity of deciding, unembarrassed, the question of slavery which has harassed them from the first hour of their organization."

Is it not remarkable, Mr. President, that an honorable Senator who objected to the House proposition for these reasons, should be so suddenly transformed into an advocate for the proposition of this committee? On this occasion my honorable friend from Ohio (Mr. Pugh) also said something. He said:

"According to my apprehension of what is due to this case, the House amendment is utterly in admissible. It is a violation, as I understand it, of every principle on which Congress can admit a new State; of every safe precedent; and a violation of every principle heretofore professed by the Democratic party of the United States. It is an unfair bill. It cannot make peace. It can make nothing but disturbance in Kansas, and everywhere else. I shall endeavor to sustain these propositions as the reason why, certainly to my own entire and perfect satisfaction, I shall vote against that bill at every hazard.

The main idea of this proposition, or rather its pretension, is that the Congress of the United States remands the constitution of Kansas to a vote of the people and what for! Who authorized us to remand that constitution to a vote of the

people?"

That is the question. Does the honorable Senator from Ohio say to-day, that this question is not remanded to Kansas for a vote of the people, which is to determine its fate?

Mr. Pugh. By this bill! Mr. Stuart. Yes, sir.

Mr. Pugh. I say it is not.

Mr. Stuart. Very well, sir; that is precisely what I desire.

Mr. Pugh. I not only say it is not remanded, but I would not vote for

the bill if it did remand it.

Mr. Stuart. Precisely so. The Senator could not vote for it and make this speech. Now, sir, what was his objection? He asks in this most emphatic language: where do you get the authority to remand that constitution to Kansas for a vote of the people? Suppose the honorable Senator, as a member of this body, should be told to-day that here is a bill for the relief of John Jones, and the order of the Senate is, that as you vote upon that bill, so is your vote upon the deficiency bill, and it will be counted at the desk as such: will the honorable Senator tell me that that is no submission at all for the action of this Senate upon the deficiency bill!

Mr. Pugh. I say it would be.

Mr. Stuart. You do not count it as it affects John Jones, but you count it as it affects the deficiency bill, or you count it for both. If you pass the deficiency bill: if you reject John Jones's bill, you reject the deficiency bill. The Senator says that would be action upon the deficiency bill. Now, sir, you say to the people of Kansus, if you vote for this land, the President will proclaim you in the Union under the constitution made at Lecomption; if you vote against this land, it is to be taken as an expression of your will that you do not wish admission into the Union under the Lecompton constitution. That is the language of the bill, that is to be taken as an expression at the polls that you do not wish to be admitted into the Union under the Lecompton constitution.

Mr. Pugh. I do not wish to interrupt the Senator more than a moment,

as I intend to reply at some length to him, but I only wish to put in a

caveat. That is not my interpretation of this bill at all.

Mr. Stuart. Well, Mr. President, fortunately that is one thing which the committee of conference has not left to interpretation. The amendment they propose states:

"But should a majority of the votes cast be for 'proposition rejected,' it shall be deemed and held that the people of Kansas do not destrea admission into the Union with said constitution under the conditions set forth in said proposition."

Now, I say there is no room for interpretation; and it a little curious, Mr. President, to see what the effect of voting the other way is:

"Should a majority of the votes cast be for 'proposition accepted,' the President of the United States, as soon as the fact is duly made known to him, shall announce the same by proclamation, and thereafter, and without any further proceedings on the part of Congress, the admission of the State of Kansas into the Union upon an equal footing with the original States in all respects whatever shall be complete and absolute."

Mark you, sir, to vote for the "proposition accepted," does not say it shall then be deemed and held that you want to come in under this constitution—not at all, because that might stick in See throat of somebody there. It is carefully worded, therefore, to say that there is not the most indirect approval of the constitution, if you vote for the proposition; but if you vote against it, then it is to be deemed, and taken and held that you' do want to come in under the Lecompton constitution, with the land attached. What further objection did my honorable friend make to that bill? He said:

"But, sir, that is not the worst of it. This House amendment does not, in truth, refer the constitution of Kansas back to the people of Kansas."

He says the House amendment does not do that. The Senator asks:

"Who are the people of Kansas—I mean the people authorized to vote for or against this constitution? The constitution defines them. One part of the constitution was submitted to the people; one part was ratified by every argument which men can receive; I mean the seventh article. That not only passed the convention, but it passed the vote of the people; and who were they? The constitution tells us:

"At which election the constitution framed by this convention shall be submitted to all the white male inhabitants of the Territory of Kansas in the said Territory when the day and over the are of twenty-one years, for ratification or rejection."

upon that day, and over the age of twenty-one years, for ratification or rejection."

"They are the people of Kanass; they are the people defined by the constitution of Kanass; they are the bedly of electors to railiy or reject the constitution; and we have no right to substitute any other bodly of electors greater or less than that. It has severally a the several article to be overturned by the vote of a larger or a smaller number than provided there! If so, we might as well unmake the whole constitution of Kanasa. To whom does this amendment ramit it! It provides"—

Now quoting from the amendment.

"Sec. 4. And be it further enacted, That, in the election hereby authorized, all white male inhabitants of said Territory, over the age of twenty-one years, who are legal voters, under the laws of the Territory of Kansas, and none others, shall be allowed to vote."

"What is the qualification for a voter under the territorial laws of Kansast That he shall be a citizen of the United States, and shall have resided six months in

the Territory."

My honorable friend objected to the House proposition because it submitted the fate of the constitution to a different body of electors than the constitution itself provided for.

Mr. Pugh. Not submitted the fate of the constitution, but the consti-

tution itself.

Mr. STUART. Is not that the fate of the constitution ?

Mr. Pugh. The Senator must not interpolate words.

Mr. STUART. I am very willing to say "submit the constitution," if there is any distinction between the phrases.

Mr. Pugh. There is a vital distinction.

Mr. STUART. Then, because they submitted the constitution to a different body of electors-and the Senator affirmed that-they had no right to submit that constitution to a different body of voters from that body provided for in the constitution itself.

Mr. Pugh. I say so still.
Mr. Stuart. Let me compare that with this case. The Senator concedes that the vote of the people, under this committee's amendment, on the land ordinance will determine the existence or non-existence of the constitution.

Because it determines the question whether the State is ad-Mr. Pugh.

mitted into the Union or not.

Mr. STUART. Precisely; I agree with him. It determined the face of the question, whether Kansas comes into the Union with the Lecompton constitution or not. Now, what is the difference between saying that the vote shall be upon the constitution, and that it shall be upon the land; and as you vote on the land, so is the result counted on the constitution! Why, sir, it brings you back to my illustration. You do not tell the fish that you want him to agree to take the hook in his mouth. You only tell

him you want him to swallow the bait; that is all.

There was another reason urged for passing this original Senate bill, which was entirely a political reason. It was said that it was all-important that this Kansas controversy should not be permitted to go into the next presidential election. Sir, the very effect of this bill is to carry it there, irresistibly and inevitably. What do you say? If you reject this constitution-and I have shown you, sir, that it is rejected already by the people of Kansas-you shall not make another until you have the requisite population for one member of the House; and that is to be ascertained by a census legally taken. How is a census legally taken? What is the law about taking the census? It is to be taken once in ten years. The next census will be taken in 1860, two years hence.

Mr. Pugh. Does the Senator niean to say that by the census spoken of

in this bill is meant the decennial census?

Mr. STUART. I mean to say that it is a census legally taken.

Mr. Pugh. It can be taken by an act of the Tertitorial Legislature at any time.

Mr. STUART. I do not think that is so:

Mr. Pugn. Certainty it is; and that is a legal census.

Mr. STUART. That is not the bill.

Mr. Pugh. It is the bill.
Mr. Stuart. I am perfectly willing to concede, for the sake of the argument, that it is the bill, though I say it is not. I say that if the Senator lives to see Kansas come back and ask admittance into the Union, he will find that those who are urguing Lecompton to-day will contend that the language of this amendment means a census taken according to the existing laws. If he shall live to see that day, and I shall hold a seat in Con-

gress at the time-Mr. Puon. I tell the Senator that it is utterly impossible, from the language of the amendment, that that could be so. If he will only read it he will see it himself. The ratio of representation is fixed once in ten

years.

Mr. STUART. I understand that perfectly well. It is conceded on all hands, that in Kansas there is not the necessary ratio now. It is conceded on all hands that there is not a population of ninety-three thousand four hundred there; nobody denies it. Then, when are you going to take another census? and when you get another census, will you not have another ratio? and is it not probable the next ratio will reach one hundred and twenty thousand?

But, sir, I am willing to take the Senator on the argument that it is a consus to be taken by the authority of the Territorial Legislature; and then is he any better off! Has he got this question out of the presidential election? Does the Senator suppose that during the coming summer there will be the necessary population there? Not at all. If this question comes into the next Congress, it will be in the midst of the presidential canvass and controversy. The very business of the next Congress will be apeech-making upon the subject of who shall be the President in 1860. So that you neither get it out of Congress nor out of the canvass of 1860;

but you inevitably carry it into both.

One word more, sir, upon this doctrine of intervention. The Kansas act, says the President of the United States, is an enabling act; that that is a proposition too plain to be argued. It enables the people, says the Senator from Missouri, to proceed, in their own way and at their own time, to form a State constitution and be admitted into the Union. When you provide in this bill that they shall not proceed until they have the ratio of inhabitants; that they shall then proceed by an act of their Legislature, which act shall define how and when the constitution shall be submitted to the people; to that extent you repeal the organic act of Kansas, if the advocates of this measure are right. That is intervention, then, in its most obnoxious form; for you take from the people, according to the interpretation the President gives of the arganic act, and the interpretation of most of his supporters on this question, the right that they now hold under that

Now, Mr. President, I desire to turn the attention of the Senate, for one moment, to what the Committee on Territories, when they reported the

Senate bill, said on this question of population:

"Believing that the paper presented is the legal constitution of Kanasa, that it is form, that the boundaries proposed by it are admissible, and conceeding the sufficiency of the population, the committee recommend the admission of Kanasa into the Union upon the constitution presented, and report a bill accordingly."

"Conceding the sufficiency of the population," said the Committee on Territories of the Senate. What do they say now? What does the Senator who acted as the chairman of that committee, and made that report in which he conceded the sufficiency of the population, say now? He says, inferentially, that it is very clear there is not a sufficient population in that Territory, and therefore you shall not proceed again to form a constitution until that is an ascertained fact.

One word, Mr. President, as to the argument of the Senator from Virginia in respect to his analagous cases. He quoted Iowa and Michigan as being cases analogous in principle to this one. Why, sir, in the first place, it never was pretended, by any man that I know of, that Congress had not full and unqualified power to fix the boundaries of a new State which is to

be carved out of our territory. I say that has never been a disputed question in Congress. The case of Michigan stood under the ordinance of 1787; and some of our people in Michigan contended that, by the ordinance of 1787, we had a right to the boundaries described in our territorial organization, and that, on account of the ordinance, Congress could not change it. I made an examination into that subject at that day, and I came to the conclusion, in an hour, that the ordinance of 1787 did not constitute an exception; that Congress had the sole and unlimited power to describe the boundaries of the new State carved out of our own territory when asking to be admitted into this Union.

But, sir, even if that is disputable, there was in the case of Iowa, and in the case of Michigan, an actual dispute existing. We were in a disputation with the State of Ohio, and Ohio and Michigan had their citizens under arms on this disputed boundary. In that condition of things, Michigan asking to be admitted into the Union, what did Congress do? Why sensibly, wisely, patriotically, they said: "We will not admit a new State into the Union, and at that instant create a bloody war between that State and Ohio as to where the actual boundary is; we have the power, and we will settle it now." Therefore, they said to us in Michigan: "You must by a convention of your people, agree to this boundary, and thereupon you shall be admitted." We did agree to it, and were admitted. But I say again, there was an actual dispute as to boundary, but no objection to our constitution. Is there any dispute about this land donation of Kansas \{\frac{1}{2}} Who is disputing it \{\frac{1}{2}} Where does the man live \{\frac{1}{2}} What is his name \{\frac{1}{2}} There is no controversy about the land grant, but the people do object to the constitution. Then what becomes of the analogy ? I have asked, and I beg leave to repeat the question, is it believed if this donation of land were submitted as a distinct, separate proposition to the people of Kansas that there would be a vote against it? Not one. What then ought to be the preamble to this amendment? In the first place, let us see what it is:

"Whereas the people of the Territory of Kanass did, by a convention of delegates assembled at Lecompton on the 7th day of November. 1857, for that purpose, form for themselves a constitution and State government, which constitution is republican; and whereas, at the same time and place, said convention did adopt an ordinance, which said ordinance asserts that Kanasa, when admitted as a State, will have an undoubted right to tax the lands within her limits belonging to the United States and proposes to relinquish said asserted rights if certain conditions, set forth in said ordinance be accepted and agreed to by the Congress of the United States; and whareas, the said constitution and ordinance have been presented to Congress by order of said convention, and admission of said Territory into the Union thereon as a State requested; and whereas, said ordinance is not acceptable to Congress, and it is desirable to ascertain whether the people of Kanasa concur in the changes in said ordinance hereinafter stated, and desire admission into the Union as a State as herein proposed: Therefore, "Beti enacted," &c.

Now, sir, is it desirable to ascertain that fact! The language of the preamble is:

"Whereas, it is desirable to ascertain whether the people of Kansas concur in the changes."

Have you any doubt about it? No man has. Sir, this ought to have been the preamble to this bill: "Whereas, the Lecompton convention formed a constitution which they knew was repugnant to the will and wishes of the people of Kansas, and knowing that, refused to submit it to them for ratification or rejection in fact, though they professed to, in form; whereas, that constitution has been presented to Uongress, and whereas, the Senate has passed a bill to carry out the project of the Lecompton

convention, and whereas, a majority to aid in that purpose cannot be obtained in the House of Representatives, and whereas, the House insists that the will of the people shall be ascertained through a submission of this constitution to them, and whereas, the minority in the House can never be made to vote for a bill that does directly submit it, and it being therefore indispensable so to frame a bill that it may be called submission in one section of the Union, and non-submission in the other: Therefore, "Be it enacted." &c.

That is this case, and that ought to be the preamble to this proposition, because it is the living truth to-day. Do you tell me, sir, that, if a majority of votes could have been obtained in the House of Representatives to the Senate bill, that you would have ever troubled yourself to ascertain whether the people would consent to modify this ordinance? What did your bill

say! The second section said:

"Sec. 2. And be it further enacted, That the State of Kansas is admitted into the Union upon the express condition that said State shall never interfere with the primary disposal of the public lands, or with any regulations which Congress may had necessary for securing the title in said lands to the bona fide purchaser and grantees thereof, or 'impose, or levy any tax, assessment, or imposition of any description whatever, upon them or other property of the United States within the limits of said State; and nothing in this set shall be construed as an assent by Congress to all or to any of the propositions or claims contained in the ordinance of the said constitution of the people of Kansas, nor to deprive the said State of Kansas of the same grants which were contained in the set of Congress entitled, 'An act to authorize the people of the Territory of Minnesota to form a constitution and State government,'" dec.

And we amended that, on my motion, so as to refer to land grants hereafter to be made by Congress. Do you suppose, sir, that there is any man in Congress or in this broad Union so weak, so imbecile, so idiotic—who is out of an asylum—as to suppose that there is a reality in this pramble to the amendment of the conference committee, that that committee really doubted whether the people of Kansas would be willing to modify that claim? Why, sir, the people of Kansas never made it. I tell you again, that it was a trick of this Lecompton convention to ask for such an enormous grant, and to make the people believe that it might be obtained, as would keep them quiet under the fraud they were seeking to practice by the constitution they promulgated. That is it, and it is nothing else.

One word upon the general subject alluded to by the honorable Senator from Missouri, and I shall have done. He said, on introducing this report into the Senate, that it was not an amendment which was entirely satisfactory to anybody. Well, sir, I agree to that—it is not, and it ought not to be. But he says that he offers it as a measure of peace to the country on this distracting subject. Sir, upon the question of giving peace to the country upon this slavery question, I will go as far to-day, or any day, while I am honored with a seat here, as any other living man; I will go as far as he who goes farthest. But, Mr. President, peace, either in Kansas or among the States of this Union, can never be obtained except by straightforward, honest, fair legislation to all sections of the country. If Congress sacks to play a trick upon Kansas, the honest heart of the whole Republic will, involuntarily, revolt at it. That Congress in this amendment does sack by this device, this trick, to slide Kansas into the Union is too clear for disputation; for, as I said, without impuguing, and with a design not to impugn, the notives of any man, this bill must be intended to mean what are the natural consequences of its language. It is, therefore, a bill.

framed to enable certain men to vote for it upon the ground the submission of the constitution of Kansaa, and to enable certain other men to vote for it upon the ground that it is submission; and to cut men down in one section of the Union who vote against it because it is no submission, and to cut men down in another section of the Union who vote against it because it is submission.

Now, sir, it may be asked of me-if not here, it may be asked elsewhereif I believe that this bill puts the subject of this constitution within the power of the people of Kansas, so that they can, as I believe they will, indiguantly put their heel upon it, and thus destroy the monster-why do I oppose the measure? I oppose it upon the same ground that I would oppose an accumulation of property in a dishonorable way; I oppose it as I would oppose the reception of stolen property, knowing it to be stolen; I. oppose it because it is unbecoming the magnanimity and generosity of a great people, and a Congress representing a great people; because, while in effect the people may destroy this constitution, those who report it here to-day in their places have said that the constitution is not submitted; I oppose it, sir, upon higher principles than any possible personal consequences; I oppose it because it seeks to lay down in the admission of States into this Union one set of propositions for one character of States, and another set of propositions for a different character of States; I oppose it because, instead of giving peace to the country, which I most fervently desire, it will inevitably increase and promote excitement and discord throughout the Confederacy; and because it is in plain violation of the letter and spirit of the organic law of Kansas, and the true principles of self-government.

I have said, sir, and I beg leave to repeat it again from the very bottom of my heart, I wish to-day, in the settlement of this principle, that this Lecompton constitution was a free-State constitution, that it might be seen how indignantly the representatives of the North would despise, and condemn, and deride, and trample under foot such a proposition as this. Sir, I will never agree to any such unjust, despicable discrimination as is con-

tained in this bill.

Sir, we are called upon to say to the people of Kansas, "if you will take this obnoxious constitution, you may come in now, at once, by the proclamation of the President-a constitution which we know is obnoxious to every impulse of your nature; but if you insist upon framing a constitution that is agreeable to your judgment and your wishes, you shall not come in until you have doubled your population;" and yet I am asked to vote for it. Why, sir, if it were submitted to me as the only alternative. and I were so borne down by oppression or under duress, that I was compelled to falsify all my opinions of constitutional authority, and take the naked Senate bill or take this thing, infinitely would I prefer the original Senate bill, because that does stand and can stand upon technical legal authority, if you choose to use that in opposition to the known will of the people. This can stand on nothing either human or divine. If you were to set it up and apply the commandment to it, you could not make it out heresy to worship it; for it is not like anything in the heavens above, or in the earth beneath, or the waters under the earth. It is an anomaly, a miserable, ingeniously-concocted pretence to smuggle through Congress, and fasten upon the necks of the people of Kansas, an obnoxious organic law.

There is a necessity for conciliation, for fair treatment, for peace among the States of the Union; and that course of policy is the easiest and simplest that man can devise. It is so plain, that the wayfaring man as he runs

may read and understand. It is simply to deal honestly, deal justly, deal fairly. Do unto the people of Kansas as you would, under similar circumstances, be done by-that is all. Do that; peace will reign throughout all your borders; every man in this broad land, under his own vine and fig-tree, can entertain such opinions as he chooses. But, sir, you continue to practice such frauds as the Lecompton convention inaugurated, such frands as this bill is a bad imitation of, and you will spread danger and conflagration throughout this Union. If you will insist, as a Congress, upon being dishonest, partial, trickish, the time will not be far distant when a civil war will spread over this land, when you may be compelled, at midnight, to light your wife and your children into some possible place of safety by the flames of your dwelling. If, however, you will pursue the path of wisdom, of patriotism, this Union will cover the continent and the adjacent islands; it will be the mightiest Government that ever existed, or that ever can exist on the face of the earth. Under all its broad and benign influences, peace and happiness will be secured to the humblest individual, as well as to the remotest State. This is true, because it is the great moral law of the Creator of all tings; no human power can ever change its action. CHUIL .

THE RESERVE AND ADDRESS.

OBERLIN COLLEGE
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SUBDUING FREEDOM

KANSAS 35

Read REPORT Wellate THE CONGRESSIONAL COMMITTEE,

PRESENTED IN THE HOUSE OF REPRESENTATIVES ON TUESDAY, JULY 1, 1856.

A JOURNAL Of proceedings, including sundry communications made to and by the Committee, was kept, a copy of which is herewith submitted. The testimony also is herewith submitted; a copy of it has been made and arranged, not according to the order in which it was taken, but so as to present, as clearly as possible, a consecutive history of events in the Territory, from its organization to the 19th day of March, A. D., 1856.

Your Committee deem it their duty to state, as briefly as possible, the principal facts proven be-When the act to organize the Terrifore them. tory of Kansas was passed on - day of May, 1854, the greater portion of its eastern border was included in Indian reservations not open for settlement, and there were but few white settlers in any portion of the Territory. Its Indian population was rapidly decreasing, while many emigrants from different parts of our country were anxiously waiting the extinction of the Indian title, and the establishment of a Territorial Government, to seek new homes in its fertile prairies. It cannot be doubted that if its condition as a free Territory bad been left undisturbed by Congress, its settlement would have been rapid, peaceful and pros-Its climate, soil, and its easy access to the older settlements would have made it the favored course for the tide of emigration constantly flowing to the West, and, by this time, it would have been admitted into the Union as a Free State, without the least sectional excitement. If so organized, none but the kindest feeling could have existed between it and the adjoining State. Their

mutual interests and intercourse, instead of, as now, endangering the harmony of the Union, would have strengthened the ties of national brotherhood. The testimony clearly shows, that before the proposition to repeal the Missouri Compromise was introduced into Congress, the people of Western Missouri appeared indifferent to the prohibition of Savery in the Territory, and neither asked nor desired its repeal.

When, however, the prohibition was removed by the action of Congress, the aspect of affairs entirely changed. The whole country was agitated by the reopening of a controversy which conservative men in different sections hoped had been settled in every State and Territory by some law beyond the danger of repeal. The excitement which has always accompanied the discussion of the Slavery question was greatly increased by the hope on the one hand of extending Slavery into a region from which it had been excluded by law; and on the other by a sense of wrong done by what was regarded as a dishonor of a national compact. This excitement was naturally transferred into the border counties of Missouri and the Territory as settlers favoring free or slave institutions moved into it. A new difficulty soon occurred. Different constructions were put upon the organic law. It was contended by the one party that the right to hold slaves in the Territory existed, and that neither the people nor the Territorial Legislature could prohibit Slavery-that that power was alone possessed by the people when they were authorized to form a State Government.

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This chim was urged by many prominent men in The sign was organ by man promined and in Western Missouri, who actively engaged in the affairs of the Territory. Every movement of what beer character which tenged the schullsh free institutions was reparted as an interference with their rights.

Within a few days after the organic law passed, and as soon as its passage could be known on the border, leading citizens of Missouri crossed into the Territory, held Squatter meetings and then returned to their homes. Among their resolutions are the following:

" That we will afford protection to no Abolitionist as a settler of this Territory

"That we recognize the institution of Slavery as already existing in this Territory, and advise slaveholders to intro-duce their property as early as possible."

Similar resolutions were passed in various parts of the Territory, and by meetings in several counties of Missouri. Thus the first effect of the repeal of the restrictions against slavery was to substitute the resolves of squatter meetings, composed almost exclusively of citizens of a single State, for the deliberate action of Congress, acquiesced in for thirty-five years.

This unlawful interference has been continued in every important event in the history of the Territory: every election has been controlled not by the actual settlers, but by citizens of Missouri. and as a consequence every officer in the Territory. from constables to legislators, except those appointed by the President, owe their positions to non-resident voters. None have been elected by the settlers, and your Committee have been unable to find that any political power whatever, however unimportant, has been exercised by the people of

the Territory. In October, A. D. 1854, Gov. A. H. Reeder and the other officers appointed by the President, arrived in the Territory. Settlers from all parts of the country were moving in, in great numbers, making their claims and building their cabins. About the same time, and before any election was or could be held in the Territory, a secret political society was formed in the State of Missouri. It was known by different names, such as "Social Band," "Friends Society," "Blue Lodge," "The Sons of the South." Its members were bound together by secret oaths, and they had passwords, signs, and grips by which they were known to each other. Penalties were imposed for violating the rules and secrets of the Order. Written minutes were kept of the proceedings of the Lodges, and the different Lodges were connected together by an effective organization. It embraced great numbers of the citizens of Missouri, and was extended He was seized by the collar, called a d-d Anointo other Slave States and into the Territory. avowed purpose was not only to extend slavery the room with the Judges. About the time the into Kansas, but also into other territory of the polls were closed these strangers mounted their United States, and to form a union of all the horses and got into their wagons and cried out friends of that institution. Its plan of operating "All aboard for Westport and Kansas City." was to organize and send men to vote at the elec- number were recognized as residents of Missouri, tions in the Territory, to collect money to pay and among them was Samuel H. Woodson, a leadtheir expenses, and if necessary to protect their in ling lawver of Independence. Of those whose voting. It also proposed to induce Pro-Slavery names are on the poll-books, 35 were resident setmen to emigrate into the Territory, to aid and tlers and 226 were non residents.

It was contended that the removal of the restric- sustain them while there, and to elect none to tion virtually established Slavery in the Territory. office but those friendly to their views. This distributions once out those relative to the reviews. In agreement specified their purpose to extend slavery into the Territory at all hazards, and, was altogether, the most effective instrument in organizing the subsequent armed hysicians and forthe. In the Lodge in Mission, and the subsequent armed hysicians and forther in the state of Kansas were discussed, the force necessary to control the election was divided into bands, and leaders selected, means were colleeted, and signs and badges were agreed upon. While the great body of the actual settlers of the Territory were relying upon the rights seeured to them by the organic law, and had formed no organization or combination whatever, even of a party character, this conspiracy against their rights was gathering strength in a neighboring State, and would have been sufficient at their first election to have overpowered them, if they had been united to a man.

Your Committee had great difficulty in eliciting the proof of the details in regard to this secret One witness, member of the Legislative Council, refused to answer questions in reference to it. Another declined to answer fully, because to do so would result to his injury. Others could or would only answer as to the general purposes of the Society, but sufficient is disclosed in the testimony to show the influence it had in controlling the elections in the Territory.

The first election was for a Delegate to Congress. It was appointed for the 29th of November, 1854. The Governor divided the Territory into 17 Election Districts; appointed Judges, and prescribed proper rules for the election. In the Ist, Illd. VIIIth, IXth, Xth, XIIth, XIIIth, and XVIIth Districts there appears to have been but little if

any fraudulent voting.

The election in the Ild District was held at the village of Douglas, nearly 50 miles from the Missouri line. On the day before the election large companies of men came into the district in wagons and on horseback, and declared that they were from the State of Missouri, and were going to Douglas to vote. On the morning of the election they gathered around the house where the election was to be held. Two of the Judges appointed by the Governor did not appear, and other Judges were elected by the crowd. All then voted. order to make a pretense of right to vote, some persons of the company kept a pretended register of squatter claims, on which any one could enter his name and then assert he had a claim in the Territory. A citizen of the district who was himself a candidate for Delegate to Congress was told by one of the strangers, that he would be abused and probably killed if he challenged a vote. Its litionist, and was compelled to seek protection in

The election in the IVth District was held at | February, A. D., 1855, three months afterward, Dr. Chapman's, over 40 miles from the Missouri State line. It was a thinly settled region, containing but 47 voters in February, 1855, when the census was taken. On the day before the election, from 100 to 150 citizens of Cass and Jackson Counties, Mo., came into this district declaring their purpose to vote, and that they were bound to make Kansas a Slave-State, if they did it at the point of the sword. Persons of the party on the way drove each a stake in the ground and called it a claim-and in one case several names were put on one stake. The party of strangers camped all night near where the election was to be held. and in the morning were at the election polls and voted. One of their party got drunk, and to get rid of Dr. Chapman, a judge of the election, they sent for him to come and see a sick man. and in his absence filled his place with another judge, who was not sworn. They did not deny or conceal that they were residents of Missouri, and many of them were recognized as such by others. They declared that they were bound to make Kansas a Slave-State. They insisted upon their right to vote in the Territory if they were in it one hour. After the election they again resturned to the their homes in Missouri, camping over night on the way.

We find upon the poll-books 161 names; of these not over 30 resided in the Territory, 131 were non-residents.

But few settlers attended the election in the Vth District, the District being large and the settlement scattered. 82 votes were cast; of these between 20 and 30 were settlers, and the residue were citizens of Missouri. They passed into the Territory by way of the Santa Fe road and by the residence of Dr. Westfall, who then lived on the western line of Missouri. Some little excitement arose at the polls as to the legality of their voting, but they did vote for Gen. Whitfield, and said they intended to make Kansas a Slave State-and that they had claims in the Territory. Judge Teazle, judge of the Court in Jackson County, Missouri, was present, but did not vote. He said he did not intend to vote, but came to see that others voted. After the election, the Missourians returned they way the came.

The election in the VIth District was held at Fort Scott, in the southeast part of the Territory and near the Missouri line. A party of about one hundred men from Cass and the counties in Missouri south of it went into the Territory, traveling about 45 miles, most of them with their wagons and tents, and camping out. They appeared at the place of election. Some attempts were made to swear them; but two of the Judges were prevailed upon not to do so, and none were sworn, and as many as chose voted. There were but few resident voters at the polls. The settlement was sparse-about 25 actual settlers voted out of 105 votes cast, leaving 80 illegal votes. After the voting was over the Missourians went to their wagons and commenced leaving for home.

The most shameless fraud practised upon the rights of the settlers at this election was in the 75 miles from the Missouri line, and contained in the legal voters present to select other Judges.

when the Cens is was taken, but 53 voters; and yet the poll-books show that 604 votes were cast. The election was held at the house of Frey McGee, at a place called "110." But few of the actual settlers were present at the polls. A witness who formerly resided in Jackson County, Mo., and was well acquainted with the citizens of that county, says that he saw a great many wagons and tents at the place of election, and many individuals he knew from Jackson County. He was in their tents and conversed with some of them, and they told him they had come with the intention of voting. He went to the polls intending to vote for Flennekin, and his ticket being of a different color from the rest, his vote was challenged by Frey McGee, who had been appointed one of the Judges, but did not serve. Lemuel Ralstone, a citizen of Missouri, was acting in his place. The witness then challenged the vote of a young man by the name of Nolan, whom he knew to reside in Jackson County. Finally the thing was hushed up, as the witness had a good many friends there from that county, and it might lead to a fight if he challenged any more votes. Both voted and he then went down to their camp. He there saw many of his old ecquaintances whom he knew had voted at the election in August previous, in Missouri, and who still resided in that State. a careful comparison of the poll-lists with the census rolls, we find but 12 names on the pollbook who were voters when the census was taken three months afterwards, and we are satisfied that not more than 20 legal votes could have been polled at that election. The only residents who are known to have voted are named by the witness, and are 13 in number-thus leaving 584 illegal votes cast in a remote district, where the settlers within many miles were acquainted with each other.

The total number of white inhabitants in the XIth District in the month of February, A.D. 1855, including men, women and children, was 36, of whom 24 were voters-vet the poll-lists in this District show that 245 votes were cast at this election. For reasons stated hereafter in regard to the election on the 30th of March, your Committee were unable to procure the attendance of witnesses from this District. From the records it clearly appears that the votes cast could not have been by lawful resident voters. The best test in the absence of direct proof by which to ascertain the number of illegal votes cast, is by a comparison of the census roll with the poll-book-by which it appears that but 7 resident settlers voted and 288 votes were illegally and fraudulently given.

The election in the XIVth District was held at the house of Benjamin Harding, a few miles from the town of St. Joseph, Missouri. Before the polls were opened, a large number of citizens of Buchanan county, Missouri, and among them many of the leading citizens of St. Joseph, were at the place of voting, and made a majority of the company present. At the time appointed by the Governor for opening the polls, two of the VIIth District. It is a remote settlement about Judges were not there, and it became the duty of

who was then and is now a resident of St. Joseph. place, and so continued until this Spring, but he claimed that the night before he had come to the for a month, and considered himself a resident of Kansas on that ground. The Judges appointed by the Governor refused to put the nomination of Col. Scott to vote, because he was not a resident. After some discussion, Judge Leonard, a citizen of Missouri, stepped forward and put the vote himself; and Mr. Scott was declared by him as elected by the crowd, and served as a Judge of Election that day. After the election was over, he returned to St. Joseph, and never since has resided in the Territory. It is manifest that this election of a non-resident lawyer as a Judge was imposed npon the settlers by the citizens of the State. When the board of Judges was thus completed the voting proceeded, but the effect of the rule adopted by the Judges allowed many, if not a majority of the non-residents, to vote. claimed that their presence on the ground especially when they had a claim in the Territory, gave them a right to vote-under that construction of the law they readily, when required, swore they were "residents" and then voted. By this evasion, as near as your Committee can ascertain from the testimony, as many as 50 illegal votes were cast in this District out of 153, the whole number polled. The election in the XVth District was held at

Penseman's on Stranger Creek, a few miles from Weston, Missouri. On the day of the election a ABSTRACT OF CENSUS, and Election of Nov. 29, 1854. number of citizens of Platte County, but chiefly from Weston and Platte City, came in small parties, in wagons and on horseback, to the polls. Among them were several leading citizens of that town, and the names of many of them are given by the witnesses. They generally insisted on their right to vote, on the ground that every man having a claim in the Territory could vote, no matter where he lived. All voted who chose. No man was challenged or sworn. Some of the residents did not vote. The purpose of the strangers in voting was declared to be to make Kansas a Slave State. We find by the poll books that 306 votes were cast-of them we find but 57 are on the census rolls as legal voters in February following. Your Committee is satisfied from the testimony that not over 100 of those who had voted had any right so to do, leaving at least 206 illegal votes cast.

The election in the XVIth District was held at Leavenworth. It was then a small village of three or four houses, located on the Delaware Reservation. There were but comparatively few settlers then in the district, but the number rapidly increased afterward. On the day before and on the day of the election, a great many citizens of Platte, Clay and Ray counties crossed the river-most of them

The Judge who was present suggested the name camping in tents and wagons about the town of Mr. Waterson as one of the Judges—but the "like a camp meeting." They were in companies crowd voted down the proposition. Some discus- or messes of ten to fifteen in each, and numbered sion then arose as to the right of non-residents to in all several hundred. They brought their own vote for Judges, during which Mr. Bryant was provisions and cooked it themselves, and were nominated and elected by the crowd. Some one generally armed. Many of them were known by nominated Col. John Scott as the other Judge, the witnesses, and their names given, and their names are found upon the poll-books. Among At that time he was the City Attorney of that them were several persons of influence where they resided in Missouri, who held, or had held, high official positions in that State. They claimed to house of Mr. Bryant, and had engaged boarding be residents of the Territory, from the fact that they were then present, and insisted upon the right to vote, and did votc. Their avowed purpose in doing so was to make Kansas a Slave State. These strangers crowded around the polls, and it was with great difficulty that the settlers could get to the polls. One resident attempted to get to the polls in the afternoon, but was crowded and pulled back. He then went outside of the crowd and hurrahed for Gen. Whitfield, and some of those who did not know him said, "that's a good Pro-Slavery man," and lifted him up over their heads so that he crawled on their heads and put in his vote. A person who saw from the color of his ticket that it was not for Gen. Whitfield, cried out, "He is a damned Abolitionist-let him down;" and they dropped him. Others were passed to the polls in the same way, and others crowded up in the best way they could. After this mockery of an election was over, the nonresidents returned to their homes in Missouri. Of the 312 votes cast, not over 150 were by legal voters.

The following abstract exhibits the whole number of votes at this election for each candidate; the number of legal and illegal votes cast in each district; and the number of legal voters in each district in February following :

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Thus your Committee find that in this first elec-

votes were cast by eitizens of the State of Mis- gration then passing into the Territory were sour in violation of the organic law of the Terri-tory. Of the legal votes east Gen. Whitfield the active exertions of many of its leading cit-received a plurality. The settlers took but little zons, aided by the secret societies before referred interest in the election, not one half of them voting. This may be accounted for from the fact that the settlements were scattered over a great extent—that the term of the delegate to be elected was short-and that the question of Free and Slave institutions was not generally regarded by them as distinctly at issue. Under these eircumstances a systematic invasion from an adjoining State by which large numbers of illegal votes were cast in remote and sparse settlements for the avowed purpose of extending Slavery into the Territory, even though it did not change the result of the election, was a crime of great magni-Its immediate effect was to further excite the people of the Northern States-induce acts of retaliation, and exasperate the actual settlers against their neighbors in Missouri.

In January and February A. D. 1855, the Governor caused an enumeration to be taken of the inhabitants and qualified voters in the Territory, an abstract of which is here given.

ABSTRACT OF CENSUS RETURNS.

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On the same day the census was completed, the Governor issued his Proclamation for an election to be held on the 30th of March, A. D. 1855, for Members of the Legislative Assembly of the Territory. It prescribed the boundaries of Districts; the places for polls, the names of Judges; the appointment of members; and recited the qualification of voters. If it had been observed, a just and fair election would have reflected the busily circulated among the people of Western tion, and there were more at Lawrence than were

tion in the Territory a very large majority of the Missouri. The number and character of the emito, the passions and prejudices of the people of that State were greatly excited. Several residents there have testified to the character of the reports eirculated among and credited by the people. These efforts were successful. By an organized movement which extended from Andrew County in the North, to Jaspar County in the South, and as far eastward as Boone and Cole Counties, companies of men were arranged in regular parties and sent into every Council District in the Territory, and into every Representative District but one. The numbers were so distributed as to control the election in each District. They went to vote and with the avowed design of making Kansas a Slave State. They were generally armed and equipped, carried with them their own provisions and tents, and so marched into the Territory. The details of this invasion, from the mass of the testimony taken by our Committee, are so voluminous that we can here state but the leading facts elicited.

IST DISTRICT-MARCH 30, 1855.-LAWRENCE.

The company of persons who a tarched into this District, collected in Ray, Howard, Carroll, Boone, La Fayette, Randolph, Saline, and Cass Counties, in the State of Missouri. Their expenses were paid-those who could not come contributing provisions, wagons, &c. Provisions were deposited for those who were expected to come to Lawrence in the house of William Lykins, and were distributed among the Missonrians after they arrived there. The evening before and the morning of the day of election, about 1,000 men from the above counties arrived at Lawrence, and camped on a ravine a short distance from town, near the place of voting. They came in wagons -of which there were over one hundred-and on horseback, under the command of Col. Samuel Young of Boone County, Missouri, and Chaiborne F. Jackson of Missouri. They were armed with guns, rifles, pistols, and bowie-knives, and had tents, music, and flags with them. They brought with them two pieces of artillery, loaded with musket balls. On their way to Lawrence, some of them met Mr. N. B. Blanton, who had been appointed one of the Judges of Election by Gov. Reeder, and after learning from him that he considered it his duty to demand an oath from them as to their place of residence, first attempted to bribe, and then threatened him with hanging, in order to induce him to dispense with that oath. In consequence of these threats, he did not appear at the polls the next morning to act as Judge.

The evening before the election, while in camp, the Missourians were called together at the tent of Capt. Claiborne F. Jackson, and speeches were made to them by Col. Young and others, calling will of the people of the Territory. Before the for volunteers to go to other Districts where there election, false and inflammatory rumors were were not Missourians enough to control the elec-

morning of the election, several companies, from 150 to 200 men each, went off to Teeumsch, Hickory Point, Bloomington, and other places. On the morning of the election, the Missourians came over to the place of voting from their camp, in bodies of one hundred at a time. Mr. Blanton not appearing, another Judge was appointed in his place—Col. Young claiming that, as the people of the Territory had two Judges, it was nothing more than right that the Missourians should have the other one, to look after their interests; and Robert A. Cummins was elected in Blanton's stead, because he considered that every man had a right to vote if he had been in the Territory but an hour. The Missourians brought their tickets with them, but not having enough, they had three hundred more printed in Lawrence on the evening before and the day of election. They had white ribbons in their button-holes to distinguish themselves from the settlers.

When the voting commenced the question for the legality of the vote of a Mr. Page was raised. Before it was decided, Col. Samuel Young stepped up to the window where the votes were received, and said he would settle the matter. The vote of Mr. Page was withdrawn, and Col. Young offered to He refused to take the oath prescribed by the Governor, but swore he was a resident of the Territory, upon which his vote was received. He told Mr. Abbott, one of the Judges, when asked if he intended to make Kansas his future home, that it was none of his business; that if he were a resident then, he should ask no more. After his vote was received, Col. Young got up in the window-sill and announced to the crowd that he had been permitted to vote, and they could all come up and vote. He told the Judges that there was no use in swearing the others, as they would all swear as he had done. After the other Judges concluded to receive Col. Young's vote, Mr. Abbott resigned as Judge of Election, and Mr. Benjamin was elected in his place.

The polls were so much erowded until late in the evening that for a time, when the men had voted, they were obliged to get out by being hoisted up on the roof of the building where the election was being held, and pass out over the house. Afterward a passageway through the crowd was made, by two lines of men being formed, through which the voters could get up to the polls. Col. Young asked that the old men be allowed to go up first and vote, as they were tired with the travelling, and wanted to get back

to camp.

The Missourians sometimes came up to the polls

in procession two by two, and voted.

During the day, the Missourians drove off the the ground some of the citizens, Mr. Stevens, Mr. Bond, and Mr. Willis. They threatened to shoot Mr. Bond, and a crowd rushed after him threatening him, and as he ran from them some shots were fired at him, as he jumped off the bank of the river and made his escape. The citizens of the town went over in a body, late in the afternoon, when the poll had become comparatively clear, and voted.

Before the voting had commenced, the Mis-

needed there. Many volunteered to go, and the sourians said, if the Judges appointed by the Governor did not receive their votes, they would choose other Judges. Some of them voted several times, changing their hats and coats, and coming up to the window again. They said they intended to vote first, and after they had got through then the others could vote. Some of them elaimed a right to vote under the organic act, from the fact that their mere presence in the Territory constituted them residents, though they were from Wisconsin, and had homes in Missouri. Others said they had a right to vote, because Kansas belonged to Missouri, and people from the East had no right to settle in the Territory and vote there. They said they came to the Territory to elect a Legislature to suit themselves, as the people of the Territory and persons from the East and North wanted to elect a Legislature that would not suit them. They said they had a right to make Kansas a slave State, because the people of the North had sent persons out to make it a Free State. Somclaimed that they had heard that the Emigrant Aid Society had sent men out to be at the election, and they came to offset their votes; but the most of them made no such claim. Col. Young said he wanted the eitizens to vote in order to give the election some show of fairness. The Missourians said there would be no difficulty, if the citizens did not interfere with their voting, but they were determined to vote-peaceably, if they could, but vote any how. They said each one of them was prepared for eight rounds without loading, and would go the ninth round with the butcher knife. Some of them said that by voting in the Territory they would deprive themselves of the right to votin Missouri for twelve months afterward.

The Missourians began to leave the afternoon of the day of election, though some did not go

home until the next morning.

In many cases when a wagon load had voted they immediately started for home. On their way home they said that if Gov. Reeder did not sanction the election, they would hang him.

The citizens of the town of Lawrence, as a general thing, were not armed on the day of election. though some had revolvers, but not exposed, as were the arms of the Missourians. They kept a guard about the town the night after the election, in consequence of the threats of the Missourians, in order to protect it.

The Pro-Slavery men of the District attended the nominating Conventions of the Free-State men, and voted for and secured the nominations of the men they considered the most obnoxious to the Free-State party, in order to cause dissension in

that party.

Quite a number of settlers came into the District before the day of election, and after the census was taken. According to the census returns, there were then in the District 369 legal voters. Of those whose names are on the census returns, 177 are to be found on the poll-books of the 30th of March, 1855. Messrs. Ladd, Babcock and Pratt testify to 55 names on the poll-books of persons they knew to have settled in the District after the census was taken and before the election. A number of persons came into the Territory in March, before the election, from the Northern and Eastern States, intending to settle, who were in Lawrence | corner of the house, which was a log house, and on the day of election. At that time many of them had selected no claims and had no fixed place of residence. Such were not entitled to vote. Many of them became dissatisfied with the country. Others were disappointed at its political condition, and in the price and demand for labor, and returned. Whether any such voted at the election, is not clearly shown; but from the proof, it is probable that in the latter part of the day, after the great body of the Missourians had voted, some did go to the polls. The number was not over 50. These voted the Free-State ticket. The whole number of names appearing upon the poll-lists is 1,034. After full examination, we are satisfied that not over 232 of these were legal voters, and 802 were non-resident and illegal voters. This District is strongly in favor of making Kansas a Free State, and there is no doubt that the Free-State candidates for the Legislature would have been elected by large majorities, if none but the actual settlers had voted. At the preceding election in November, 1854, where none but legal votes were polled, General Whitfield, who received the full strength of the Pro-Slavery party, got but 46 votes.

HD DISTRICT-BLOOMINGTON.

On the morning of election, the Judges appointed by the Governor appeared and opened the Their names were Harrison Burson, Nathaniel Ramsay and Mr. Ellison. The Missourians began to come in carly on the morning, some 500 or 600 of them, in wagons and carriages, and on horseback, under the lead of Samuel J. Jones, then Postmaster of Westport, Missouri, Claiborne F. Jackson, and Mr. Steely of Independence, Mo. They were armed with double-barreled guns, rifles, bowie-knives and pistols, and had flags hoisted. They held a sort of informal election, off at one side, at first for Governor of Kansas, and shortly afterward announced Thomas Johnson of Shawnec Missions elected Governor. The polls had been opened but a short time when Mr. Jones marched with the crowd up to the window and demanded that they should be allowed to vote without swearing as to their residence. After some noisy and threatening talk, Claiborne F. Jackson addressed the crowd, saying they had come there to vote, that they had a right to vote if they had been there but five minutes, and he was not willing to go home without voting, which was received with cheers. Jackson then called upon them to form into little bands of fifteen or twenty, which they did, and went to an ox-wagon filled with guns, which were distributed among them, and proceeded to load some of them on the ground. pursuance of Jackson's request, they tied white tape or ribbons in their buttonholes, so as to distinguish them from the "Abolitionists." again demanded that the Judges should resign, and upon their refusing to do so, smashed in the window, sash and all, and presented their pistols and guns to them, threatening to shoot them.

lifted it up a few inches and let it fall again, but desisted upon being told there were Pro-Slavery men in the house. During this time the crowd repeatedly demanded to be allowed to vote with-out being sworn, and Mr. Ellison, one of the Judges, expressed himself willing, but the other two Judges refused; thereupon a body of men, headed by "Sheriff Jones," rushed into the Judges room with cocked pistols and drawn bowie-knives in their hands, and approached Burson and Ramsay. Jones pulled out his watch, and said he would give them five minutes to resign in, or die. When the five minutes had expired, and the Judges did not resign, Jones said he would give them another minute and no more. Ellison told his associates that if they did not resign, there would be one hundred shots fired in the room in less than fifteen minutes; and then snatching up the ballot-box ran out into the crowd, holding up the ballot-box and hurraing for Missouri. that time Burson and Ramscy were called out by their friends, and not suffered to return. As Mr. Burson went out, he put the ballot poll-books in his pocket, and took them with him; and as he was going out, Jones snatched some papers away from him, and shortly afterward came out holding them up, crying, "hurrah for Missouri." After he discovered they were not the poll-books, he took a party of men with him and started off to take the poll-books from Burson. Mr. Burson saw them coming, and he gave the books to Mr. Umberger, and told him to start off in another direction, so as to mislead Jones and his party. Jones and his party caught Mr. Umberger, took the poll-books away from him, and Jones took him up behind him on a horse, and carried him back a prisoner. After Jones and his party had taken Umberger back, they went to the house of Mr. Ramsay and took Judge John A. Wakefield prisoner, and carried him to the place of election, and made him get up on a wagon and make them a speech; after which they put a white ribbon in his button-hole and let him go. They then chose two new Judges, and proceeded with the election. They also threatened to kill the judges if they

did not receive their votes without swearing them, or else resign. They said no man should vote who would submit to be sworn-that they would kill any one who would offer to do so-"shoot him," "cut his guts out," &c. They said no man should vote this day unless he voted an open ticket, and was "all right on the goose," and that if they could not vote by fair means, they would by foul means. They said they had as much right to vote, if they had been in the Territory two minutes, as if they had been there two years, and they would vote. Some of the citizens who were about the window, but had not voted when the crowd of Missourians marched up there, upon attempting to vote, were driven back by the mob, or driven off. One of them, Mr. J. M. Macey, was asked if he would take the oath, and upon his replying that he would if the judges required it, he was dragged through the crowd away from the Some one on the outside cried out to them not to polls, smid eries of "Kill the d-d nigger shoot, as there were Pro-Slavery men in the room thief," "Cut his throat," "Tear his heart ox," &c. with the Judges. They then put a pry under the After they got him to the outside of the crowd,

drawn bowie-knives, one man putting a knife to cursing Mr. Burgess, the Free State Judge. his heart, so that it touched him, another holding Persons were sent at different times by the crowd a cocked pistol to his ear, while another struck at him with a club. The Missourians said they had a right to vote if they had been in the Territory but five minutes. Some said they had been hired to come there and vote, and get a dollar a day, and by G-d, they would vote or die there.

They said the 30th day of March was an important day, as Kansas would be made a slave State on that day. They began to leave in the direction of Missouri in the afternoon, after they had voted, leaving some 30 or 40 around the house where the election was held, to guard the polls until after the election was over. The citizens of the Territory were not around, except those who took part in the mob, and a large portion of them did not vote; 341 votes were polled there that day, of which but some 30 were citizens. A protest against the election was made to the Governor. The returns of the election made to the Governor were lost by the Committee of Elections of the Legislature at Pawnee. The duplicate returns left in the ballotbox were taken by F. E. Laley, one of the judges elected by the Missourians, and were either lost or destroyed in his house, so that your Committee have been unable to institute a comparison between the poll-lists and census returns of this district. The testimony, however, is uniform, that not even 30 of those who voted there that day were entitled to vote, leaving 311 illegal votes. We are satisfied from the testimony that, had the actual settlers alone voted, the Free State candidates would have been elected by a handsome majority.

IIID DISTRICT-TECUMSER.

On the 28th of March, persons from Clay, Jackson, and Howard Counties, Mo., began to come into Tecumseh, in wagons, carriages, and on horseback, armed with guns, bowie-knives, and revolvers; and with threats, they encamped close by the town, and continued camping until the day of election. The night before the election 200 men were sent for from the camp of Missourians at Lawrence. On the morning of the election, before the polls were opened, some 300 or 400 Missourians, and others were collected in the vard about the house of Thomas Stinson, where the election was to be held, armed with bowic-knives, They said they came revolvers and clubs. to vote, and whip the damned Yankees, and would vote without being sworn. Some said they came to have a fight, and wanted one. Col. Samuel H. Woodson of Independence, Mo., was in the room of the Judges when they arrived, preparing poll-books and tally-lists, and remained there during their attempts to organize. The room of the Judges was also filled by many of the strangers. The Judges could not agree concerning the oath to be taken by themselves and the oath to be administered to the voters, Mr. Burgess desiring to administer the oath prescribed by the Government and the other two Judges oppos-

they stood around him with cocked revolvers and side became excited and noisy, threatening and outside into the room where the Judges were, with threatening messages, especially against Mr. Burgess, and at last ten minutes were given them to organize in, or leave; and as the time passed, pe sons outside would eall out the number of minutes left, with threats against Burgess, if he did not agree to organize. At the end of that time, the Judges not being able to organize, left the room and the crowd proceeded to elect nine Judges and carry on the election. The Free-State men generally left the ground without voting, stating that there was no use in their voting there. The polls were so crowded during the first part of the day that the citizens could not get up to the window to vote. Threats were made against the Free-State men. In the afternoon the Rev. Mr. Gispatrick was attacked and driven off by the mob. A man by some ealled "Texas," made a speech to the crowd, urging them to vote and to remain on the ground until the polls were closed, for fear the abolitionists would come there in the afternoon and overpower them, and thus they would lose all their trouble.

For making an affidavit in a protest against this election, setting forth the facts, Mr. Burgess was indieted by the Grand Jury for perjury, which indictment was found more than fifteen months ago, and is still pending, Mr. Burgess never having been informed who his accuser was, or what was the testimony against him. A large majority, four to one, of the actual settlers of that district were Free State men, and there eannot be the least doubt that if none but the actual settlers of the district had voted at that election, the Free State candidate would have been elected. number of legal votes in the district, according to the census-return, was 101. The total number of votes cast was 372, and of these but 32 are on the returns, and, from testimony and records, we are satisfied that not over 40 legal votes were cast at that election. A body of armed Missourians, came into the district previous to the elections and encamped there. Before the time arrived for opening the polls, the Missourians went to another than the town appointed for the election; and one of the Judges appointed by the Governor, and two chosen by the Missourians, proceeded to open the polls and carry on the election. Missourians said none but Pro-Slavery men should vote, and threatened to shoot any Free State man who should come up to vote. Mr. Mockbee, one of the judges elected by the Missourians, had a store near the boundary fixed by proclamation of the Governor, while he cultivated a farm in Missouri, where his family lived, and where his legal residence was then and is now. The Missourians also held a side-election for Governor, of the Territory, voting for Thomas Johnson of Shawnce Mission. The Free State men, finding the polls under the control of non-residents, refused to, and did not, vote. They constituted a decided majority of the actual settlers. A petition signed by a majority of the residents of the ing it. During this discussion between the districts was sent to the Governor. The whole Judges, which lasted some time, the crowd out-number of voters in this district, according to the census-returns, was 47; the number of votes cast home he was fired at by some Missourians, though was 80, of whom but 16 were residents; the number of residents whose names are on the census-vote given there that day. At the Big Layer presently, who did not vote, was 32.

For some days prior to the election, companies of men were organized in Jackson, Cass and Clay counties, Mo., for the purpose of coming to the Territory and voting in this Vth District. The day previous to the election, some 400 or 500 Missourians, armed with guns, pistols and knives, came in to the Territory and camped, some at Bull Creek, and others at Pottawatomie Creek. Their camps were about 16 miles apart. On the evening before the election, Judge Hamilton of the Cass County Court, Mo., came from the Pottawatomie Creek camp to Bull Creek, for 60 more Missourians, as they had not enough there to render the election certain, and about that number went down there with him. On the evening before the election Dr. B. C. Westfall was elected to act as one of the Judges of the Election in the Bull Creek precinct, in place of one of the Judges appointed by the Governor, who, it was said, would not be there the next day. Dr. Westfall was at that time a citizen of Jackson County, Mo. the morning of the election, the polls for Bull Creek precinct were opened, and, without swearing the Judges, they proceeded to receive the votes of all who offered to vote. For the sake of appearance, would get some one to come to the window and offer to vote, and when asked to be sworn he would pretend to grow angry at the Judges and would go away, and his name would be put down as having offered to vote, but "rejected, refusing to be sworn." This arrangement was made previously and perfectly understood by the Judges. But few of the residents of the District were present at the election, and only 13 voted. The number of votes cast in the precinct was 393.

One Missourian voted for himself and then voted for his little son, but 10 or 11 years old. Col. Coffer, Henry Younger and Mr. Lykins, who were voted for and elected to the Legislature, were residents of Missouri at the time. Col. Coffer subsequently married in the Territory. After the polls were closed, the returns were made, and a man claiming to be a magistrate, certified on them that he had sworn the Judges of Election before opening the polls. In the Pottawatonile precinct, the Missourians attended the election, and after threatening Mr. Chesnut, the only Judge present appointed by the Governor, to induce him to resign, they proceeded to elect two other Judges—one a Missourian and the other a resident of another precinct of that District. The polls were then opened, and all the Missourians were allowed to vote without being sworn.

After the polls were closed, and the returns made out for the signature of the Judges, Mr. Chesnut refused to sign them, as he did not consider them correct returns of legal voters.

Col. Coffer, a resident of Missouri, but elected from Missouri a few days before the election, and to the Kansas Legislature from that District at barded at the public house until the day after the that election, endeavored with others to induce election. He then took with him the poll-lists, and Mr. Chesnut by threats to sign the returns, which hid not return to Fort Scott until the occasion of he refused to do, and left the house. On his way I a barbacue the week before the election of Octo-

not injured. There were three illegal to one legal vote given there that day. At the Big Laver precinct, the judges appointed by the Governor met at the time appointed, and proceeded to open the polls, after being duly sworn. After a few votes had been received, a party of Missourians came into the yard of the house where the election was held, and unloading a wagon filled with arms, stacked their guns in the yard, and came up to the window and demanded to be admitted to vote, Two of the judges decided to receive their votes. whereupon the third judge, Mr. J. M. Atchiea .ps signed, and another was chosen in r , l.r Col. Young, a citizen of Missouri, but a candidate for and elected to the Territorial Legislative Council, was present and voted in the precinct. claimed that all Missourians who were present on the day of election were entitled to vote. But thirty or forty of the citizens of the precinct were present, and many of them did not vote. At the Little Sugar precinct, the election seemed to have been conducted fairly, and there a Free-State majority was polled. From the testimony, the whole District appears to have been largely Free-State, and had none but actual settlers voted, the Free-State candidates would have been elected by a large majority. From a careful examination of the testimony and the records, we find that from 200 to 225 legal votes were polled, out of 885, the total number given in the precincts of the Vth District. Of the legal votes cast, the Free-State candidates received 152.

VITH DISTRICT-FORT SCOTT.

A company of citizens from Missouri, mostly from Bates county, came into this District the day before the election, some camping, and others putting up at the public house. They numbered from 100 to 200, and came in wagons and on horseback, carrying their provisions and tents with them, and were generally armed with pistols. They declared their purpose to vote, and claimed the right to do 80 They went to the polls generally in small bodies, with tickets in their hands, and many, if not all, voted. In some cases they declared that they had voted, and gave their reasons for so doing. Mr. Anderson, a Pro-Slavery candidate for the Legislature, endeavored to dissuade the non-residents from voting, because he did not wish the election contested. This person, however, insisted upon voting, and upon his right to vote, and did so. No one was challenged or sworn, and all voted who desired to. Out of \$50 votes cast, not over 100 were legal, and but 64 of those named in the census taken one month before by Mr. Barber, the candidate for Council, voted. Many of the Free-State men did not vote, but your Committee is satisfied that, of the legal votes cast, the Pro-Slavery candidates received a majority. Mr. Anderson, one of these candidates, was an unmarried man, who came into the District from Missonri a few days before the election, and boarded at the public house until the day after the election. He then took with him the poll-lists, and did not return to Fort Scott until the occasion of

ber 1, 1855. He voted at that election, and after were cast, of whom a majority voted the Free-it left, and has not since been in the District. S. State ticket. A. Williams, the other Pro-Slavery candidate, at the time of the election had a claim in the Territory, but his legal residence was not there until after the election.

VIITH DISTRICT.

From two to three hundred men from the State of Missouri came in wagons or on horseback to the election ground at Switzer's Creek, in the VIIth District, and encamped near the polls, on the day preceding the election. They were armed with pistols and other weapons, and declared their purpose to vote, in order to secure the elec-tion of Pro-Slavery members. They said they were disappointed in not finding more Yankees there, and that they had brought more men than were necessary to counterbalance their vote. number of them wore badges of blue ribbon, with a motto, and the company were under the direction of leaders. They declared their intention to conduct themselves peaceably, unless the residents of the Territory attempted to stop them from voting. Two of the Judges of Election appointed by Governor Reeder refused to serve, whereupon two others were appointed in their stead by the crowd of Missourians who surrounded the polls. The newly-appointed Judges refused to take the oath prescribed by Governor Reeder, but made one to suit themselves. Andrew Johnson rcquested cach voter to swear if he had a claim in the Territory, and if he had voted in another District. The Judges did not take the oath prescribed, but were sworn to receive all legal votes. The Missourians voted without being sworn. They supported H. J. Stickler for Council, and M. W. McGee for Representative. They left the evening of the election. Some of them started on horseback for Lawrence, as they said they could be there before night, and all went the way they came. The census list shows 53 legal voters in the District. 253 votes were cast; of these 25 were residents, 17 of whom were in the District when the census was taken. Some of the residents present at the polls did not vote, declaring it useless. Candidates declined to run on the Free-State ticket, because they were unwilling to run the risk of so unequal a contest, it being known that a great many were coming up from Missouri to vote. Nearly all the settlers were Free-State men, and 23 of the 25 legal votes given were cast for the only Free-State candidate running. Mobiller McGee, who was declared elected Representative, had a claim-a saw-mill and a house in the Territory-and he was there part of the time. But his legal residence is now, and was then, near Westport, in Missouri, where he owns and conducts a valuable farm, and where his family resides.

VIIITH DISTRICT.

there The census shows 29 votes in it-27 votes officer was arrested and detailed, and persons

IXTH DISTRICT.

Fort Riley and Pawnce are in this District. The latter place was selected by the Governor as the temporary capital, and he designed there to expend the sums appropriated by Congress in the construction of suitable houses for the Legislature. A good deal of building was then being done at the fort near by. For these reasons a number of mechanics, mostly from Pennsylvania, came into this District in March, 1855, to seek employment Some of these voted at the election. The construction of the capital was first postponed, then abandoned, and finally the site of the town was declared by the Secretary of War to be within the military reservation of Fort Riley. Some of the inhabitants returned to the States, and some went to other parts of the Territory. Your Committee find that they came as settlers, intending to remain as such, and were entitled to vote.

XTH DISTRICT.

In this District ten persons belonging to the Wyandott tribe of Indians voted. They were of that class who under the law were entitled to vote, but their residence was in Wvandott Village, at the mouth of Kansas River, and they had no right to vote in this District. They voted the Pro-Slavery ticket. Eleven men, recently from Pennsylvania, voted the Free-State ticket. From the testimony they had not, at the time of the election, so established their residence as to have entitled them to vote. In both these classes of casethe Judges examined the voters under oath and allowed them to vote, and in all respects the election seems to have been conducted fairly. The rejection of both would not have changed the result. This and the VIIIth Election District formed one representative district, and was the only one to which the invasion from Missouri did not extend.

XITH DISTRICT.

The IXth, Xth and XIth and XIIth Election Districts, being all sparsely settled were attached together as a Council District, and the Xlth and XIIth as a Representative District. This Election District is 80 miles North from Pawnee and 150 miles from Kansas City. It is the northwest settlement in the Territory, and contained, when the census was taken, but 86 inhabitants, of whom 24 were voters. There was on the day of the electlon no white settlement about Marysville, the place of voting, for 40 miles, except that Marshall and Bishop kept a store and ferry at the crossing of the Big Blue and the California road. Your Committee were unable to procure witnesses from this District. Persons who were present at the This was attached to the VIIth District for a election were duly summoned by an officer, and member of the Council and a representative, and among them was F. J. Marshall, the member of its vote was controlled by the illegal vote cast the House from that District. On his return the

bearing the names of some of the witnesses summoned were stopped near Lecompton, and did not appear before the committee. The returns show that, in defiance of the Governor's profemation, the voting was vinz voce, instead of by ballot. 328 names appear on the poll-books, as voting, and by comparing these names with those on the census rolls, we find that but seven of the latter voted. The person voted for as Representative, F. J. Marshall, was chief owner of the store at Marysville, and was there sometimes, but his family lived in Weston. John Donaldson, the candidate voted for the Council, then lived in Jackson County, Missouri.

On the day after the election, Mr. Marshall, with 25 or 30 men from Weston, Mo., was on the way from Marysville to the State. Some of the party told a witness who had formerly resided at Weston, that they were up to Marysville and carried the day for Missouri, and that they had voted about 150 votes. Mr. Marshall paid the bill at that point

for the party.

There does not appear to have been any emigration into that district in March, 1855, after the census was taken, and judging from the best test in the power of your committee, there were but seven legal votes cast in the District, and 321 illeral.

XIITH DISTRICT.

The election in this District was conducted fairly. No complaint was made that illegal votes were east.

XIIITH DISTRICT.

Previous to the day of the election several hundreds of Missourians from Platte, Clay, Boone, Clinton, and Howard counties, came into the District in wagons and on horsoback, and camped there. They were armed with guns, revolvers and bowic-knives, and had badges of hemp in their button holes and elsewhere about their persons. They claimed to have a right to vote, from the fact that they were there on the ground, and had, or intended to make, claims in the Territory, although their families were in Missouri.

The judges appointed by the Governor opened the polls and some persons offered to vote, and when their votes were rejected on the ground that they were not residents of the district, the crowd threatened to tear the houses down if the judges did not leave. The judges then withdrew, taking the poll-books with them. The crowd then proceeded to select other persons to act as judges, and the election went on. Those persons voting who were sworn were asked if they considered themselves residents of the district, and if they said they did they were allowed to vote. But few of the residents were present and voted, and the Free State men as a general thing did not vote. After the Missourians got through voting they returned home. A formal return was made by the judges of election setting out the facts, but it was not verified. The legal voters in this district was 96, of whom a majority were Free State men. Of these - voted. The total number of votes cast Was 269

XIVTH DISTRICT.

It was generally rumored in this district for some days before the election that the Missourians were coming over to vote. Previous to the election men from Missouri came into the district and electioneered for the Pro-Slavery candidates. Gen. David R. Atchison and a party controlled the nominations in one of the primary election.

BURR OAK PRECINCY.

Several hundred Missourians from Buchanan, Platte, and Andrew counties, Mo., including a great many of the prominent citizens of St. Joseph, came into this precinct the day before, and on the day of election, in wagons and on horse, and encamped there. Arrangements were made for them to cross the ferry at St. Joseph, free of expense to themselves. They were armed with bowie-knives and pistols, guns and rifles. On the morning of the election, the Free-State candidates resigned in a body, on account of the presence of the large number of armed Missourians, at which the crowd cheered and hurraed. Gen. B. F. Stringfellow was present, and was prominent in promoting the election of the Pro-Slavery ticket. as was also the Hon, Willard P. Hall, and others of the most prominent citizens of St. Joseph, Mo. But one of the judges of election, appointed by the Governor, served on that day, and the crowd chose two others to supply the vacancies.

The Missourians said they came there to vote for and secure the election of Major Wm. P. Richardson. Major Richardson, elected to the Council, had had a farm in Missouri, where his wife and daughter lived with his soni-nlaw, Willlard P. Hall, be himself generally going home to Missouri every Saturday night. The farm was generally known as the Richardson farm. He had a claim in the Territory upon which was a saw-mill, and where he generally remained during

the week.

Some of the Missourians gave as their reason for voting that they had heard that Eastern emigrants were to be at that election, though no Eastern emigrants were there. Others said they were going to vote for the purpose of making Kansas a Slave State.

Some claimed that they had a right to vote under the provisions of the Kansas-Nebraska bill, from the fact that they were present on the ground

on the day of election.

The Free-State men generally did not vote, and those who did vote voted generally for John H. Whitehead, Pro-Slavery, for Council, against Major Wm. P. Richardson, and did not vote at all for members of the Lower House.

The parties were pretty nearly equally divided in the District, some being of opinion that the Free-State party had a small majority, and others that the Pro-Slavery party had a small majority. After the election was over and the polls were closed the Missourians returned home. During the day they had provisions and liquor served out, free of expense to all.

DONIPHAN PRECINCY.

The evening before the election some 200 or more Missourians from Platte, Buchanan, Saline and Clay counties, Mo., came into this precinct, with tents, music, wagons and provisions, and armed with guns, rifles, pistols and bowie-knives, and encamped about two miles from the place of voting. They said they came to vote, to make Kansas a Slave State, and intended to return to Missouri after they had voted.

On the morning of the election, the Judges appointed by the Governor would not serve, and others were appointed by the crowd. The Missourians were allowed to vote without being sworn -some of them voting as many as eight or nine times; changing their hats and coats and giving in different names each time. After they had voted they returned to Missouri. The Free State men generally did not vote, though constituting a majority in the precinet. Upon counting the ballots in the box, and the names on the poll lists, it was found that there were too many ballots, and one of the Judges of election took out ballots enough to make the two numbers correspond.

WOLF RIVER PRECINCY.

But few Missourians were present in this precinct, though some of them threatened one of the Judges, because he refused to receive their votes, and when he resigned another was chosen in his place who consented to receive their

Protests were drawn up against the elections in the various precincts in the XIVth District, but on account of threats that greater numbers of Missourians would be at a new election, should it be called, and of personal violence to those who should take part in the protest, it was not presented to the Governor. Major Richardson, the Pro-Slavery candidate for Council, threatened Dr. Cutler, the Free State candidate, that if he contested the election, he and his office should be put in the Missouri River.

The number of votes in the District by the census, was 334-of these 124 voted. The testimony show that quite a number of persons whose legal re dence was in the populous county of Buchanan, h.)., on the opposite side of the river, had claims in the Territory. Some ranged cattle, and others marked out their claim and built a cabin, and sold this incipient title where they could. They were not residents of the Territory in any just or legal sense. A number settlers moved into the District in the month of March. Your Committee are satisfied, after a careful analysis of the records and testimony that the number of legal votes cast did not exceed 200-out of 727.

XVTH DISTRICT.

The election in this District was held in the house from 400 to 500 men collected around the polls, of the residents would fare no better.

which the great body were citizens of Missouri. One of the Judges of Election, in his testimony, states that the strangers commenced crowding around the polls, and that then the residents left. Threats were made before and during the election day that there should be no Free State candidates, although there were nearly or quite as many Free State as Pro-Slavery men resident in the District. Most of the crowd were drinking and carousing, eursing the Abolitionists and threatening the only Free State Judge of Election. A majority of those who voted wore hemp in their buttonholes, and their password was "all right on the hemp." Many of the Missourians were known and are named by the witnesses. Several speeches were made by them at the polls, and among those who spoke were Major Oliver, one of your Committee, Col. Burns, and Lalan Williams of Platte County. Major Oliver urged upon all present to use no harsh words, and expressed the hope that nothing would be said or done to harm the feelings of the most sensitive on the other side. He gave some grounds, based on the Missouri Compromise, in regard to the right of voting, and was understood to excuse the Missourians for voting. Your Committee are satisfied that he did not vote. Col. Burns recommended all to vote, and he hoped none would go home without voting. Some of the Pro-Slavery residents were much dissatisfied at the interference with their rights by the Missourians, and for that reason-because reflection convinced them that it would be better to have Kansas a Free Statethey "fell over the fence." The Judges requested the voters to take an oath that they were actual residents. They objected at first, some saying they had a claim, or "I am here." But the Free State Judge insisted upon the oath, and his associates, who at first were disposed to waive it, coincided with him, and the voters all took it after some grumbling. One said he cut him some poles and laid them in the shape of a square, and that made him a claim; and another said that he had cut him a few sticks of wood, and that made him a claim. The Free State men did not vote, although they believed their numbers to be equal to the Pro-Slavery settlers, and some claimed that they had the majority. They were deterred by threats throughout by the Missourians, before and on the day of election, from putting up candidates, and no candidates were run, for this reason -that there was a credited rumor previously that the Missourians would control the election. Free State Judge was threatened with expulsion from the polls, and a young man thrust a pistol into the window through which the votes were received. The whole number of votes cast was 417; of the names on the poll-book but 62 are in the census rolls, and the testimony shows that a small portion, estimated by the witness at onequarter of the legal voters, voted. Your Committee estimate the number of legal voters at 80. One of the Judges referred to, certified to the Governor that the election was fairly conducted. It was not contested because no one would take the responsibility of doing it, as it was not consiof a Mr. Hayes. On the day of election a crowd of dered safe, and that if another election was had,

XVITH DISTRICT.

For some time previous to the election, meetings were held and arrangements made in Missouri to get up companies to come over to the Territory and vote, and the day before and on the day of election, large bodies of Missourians from Platte, Clay, Ray, Chariton, Carrol, Clinton and Saline Counties, Mo., came into this district and camped there. They were armed with pistols and bowieknives, some with guns and rifles, and had badges of hemp in their button holes and elsewhere about their persons.

Previous to the election, Missourians endeavored jority. to persuade the two Free-State Judges to resign by making threats of personal violence to them, one of whom resigned on the morning of the election, and the crowd chose another to fill his Judge, would take the oath prescribed by the Governor; the other two deciding that they had no right to swear any one who offered to vote, but that all on the ground were entitled to vote. The only votes refused were some Delaware Indians, some 30 Wyandotte Indians being allowed to vote.

One of the Free-State candidates withdrew in consequence of the presence of the Missourians, amid cheering and acclamations by the Missourians. During the day the steamboat New Lucy came down from Western Missouri, with a large number of Missourians on board, who voted and

then returned on the boat. The Missourians gave as a reason for their coming over to vote, that the North had tried to force emigration into the Territory, and they wanted to counteract that movement. Some of the candidates and many of the Missourians took the ground that, under the Kausas-Nebraska act, all who were on the ground on the day of election were entitled to vote, and others, that laying out a town, staking a lot, or driving down stakes, even on another man's claim, gave them a right to And one of the members of the council, R. R. Rees, declared in his testimony that he who should put a different construction upon the law must be either a knave or a fool.

The Free-State men generally did not vote at that election, and no newly-arrived Eastern emigrants were there. The Free-State Judge of election refused to sign the returns until the words "by lawful resident voters," were stricken out, which was done, and the returns made in that way. The election was contested, and a new election ordered by Gov. Reeder for the 22d of May.

The teatimony is divided as to the relative strength of parties in this District. The whole number of voters in the District, according to the census-returns, was 886; and, according to a very

Pro-Slavery candidates and other Pro-Slavery men a few days previous to the election, there were 305 voters in the district, including those who had claims but did not live on them. The whole number of votes cast was 964. Of these named in the census 106 voted. Your committee, upon careful examination, are satisfied that there were not over 150 legal votes cast, leaving 814 illegal votes.

XVIITH DISTRICT.

The election in this District seems to have been On the morning of the election there were from fairly conducted, and not contested at all. 1,000 to 1,400 persons present on the ground. this District the Pro-Slavery party had the ma-

XVIIITH DISTRICT.

Previous to the election, Gen. David R. Atchiplace. But one of the Judges, the Free-State son of Platte City, Mo., got up a company of Missourians, and passing through Weston, Mo., went over into the Territory. He remained all night at the house of ---, and then exhibited his arms, of which he had an abundance. He proceeded to the Nemohaer (XVIIIth) District. On his way, he and his party attended a Nominating Convention in the XIVth District, and proposed and caused to be nominated a set of candidates in opposition to the wishes of the Pro-Slavery residents of the district. At that eonvention he said that there were 1,100 men coming over from Platte County, and if that wasn't enough they could send 5,000 more-that they came to vote, and would vote or kill every G-d d-d Abolitionist in the Territory.

On the day of election, the Missourians under Atchison, who were encamped there, came up to the polls in the XVIIIth District, taking the oath that they were residents of the district. The Missourians were all armed with pistols or bowieknives, and said there were 60 in their company. But 17 votes given on that day were given by residents of the district. The whole number of votes was 62.

R. L. Kirk, one of the candidates, came into the district from Missouri about a week before the election and boarded there. He left after the election, and was not at the time a legal resident of the district in which he was elected. No protest was sent to the Governor on account of threats made against any who should dare to contest the election. The following tables embody the result of the examination of your Committee in regard to this election. In some of the districts it was impossible to ascertain the precise number of the legal votes cast, and especially in the XIVth, XVth and XVIth Districts. In such cases the number of legal and illegal votes cast is stated after a careful re-examination of all the carefully prepared list of voters, prepared for the testimony and records concerning the election.

ABSTRACT OF ELECTION of March 80, 1855, by Representative Districts :

Rep. Dist.	Ro. of Rivers, Thint,	Precincts and Places of Voting.	No. Voters by Census in Elect. Dist.	No. Voters by Cenera in Rep. Dat.	No. Bops.	Pro-Siavary Candidates,	No. Votes for them in Elect. Dist.	Total Votes for them in Rep. Dist.	Free-State Candidates,	No. Votes for thests in Elec. Dist.	Total Votes for them to Rep. Dat.	Scattering.	Total Votes Cast in Elect. Dist.	Total Votes Cast in Rep. Dist.	No. Logal Votes in Elec. Dist.	No. Illegal Votes in Elec. Dist.	No. Legal Votes in Rep. Dat.	No. Illegal Votes in Rep. Dist.	No. Rope. Elected by Illegal Votes.
1 2	17 1	Dr. Chapman's Shawnee Mission Lawrence.	47 50 869	97 869	1 8	A. S. Johnson	77 48 780 781	120	A. F. Powell	8 16 259 259	19	8	80 59	189	15 59	65	74	65	
8	9	Bloomington	212	919	9	G. W. Ward.	781 818	781	P. P. Fowler Isaac Davis	254	258	10	1084	1084	282	802	232	802	8
4 8	8	Tecumseh	101 58	101 92	1	O. H. Brown. D. L. Croysdale M. W. McGee	818 866 210	818 866	E. G. Macy C. K. Holliday A. J. Baker	12 4 1	12	11	841 870	841 870	25 82	816 888	25 32	816 888	2
6	8	Council Grove Fort Scott	89 258	258	9	M. W. McGee Jos. C. Anderson	19 815	223	H. Rice	28 25 85 16	49 85		284 87 850	271 850	25 87	209	62	209	1
ī	5	Bull Creek	449	449	4	S. A. Williams W. A. Haskell Allen Wilkinson Hy. Younger Samuel Scott	818 877 875 875 877	(877)	John Serpell	9 9	60	7	(898)	000	18	880	100	200	
		Potawatomie Creek				Wm. A. Haskell Allen Wilkinson Hy. Younger	198 198 198	(811)	John Serpell	61 54 64		6	(398)		18	000			
		Blg Sugar Creek				W. A. Haskell Allen Wilkinson	198 74 74	(198)	Wm. Jennings John Serpeli Adam Pore S. II. Houser	62 17 16 17			(266)		75	191			
		Little Sugar Creek				Namuel Scott	74 74 88 89 85	(74) (85)	Wm. Jennings John Serpell, Adam Pore	17 69 62 64			(91) (105)		82	59			
8	9	Pawnee	36 68	99	1	Russell Garrett	85 18 21	684	Wm. Jennings S. D. Houston S. D. Houston	66 56 48	159	4	855 75 69	855	104 75 59	10	924	689	4
9	11	Rock Creek Silver Lake	24 78	102	1	Russell Garrett Fr. J. Marshall Fr. J. Marshall	828 12	41	S. D. Houston H. McCartney	19	120	6	23 828 81	167	28	821	156	10	1
10 18	18 14	St. Mary's Hickory Point Wolf River	68 919	83 947	1 2	Fr. J. Marshall Wm. H. Tibbs J. H. Striugfellow R. L. Kirk	287 57 52	844 237	P. McCartney C. Hart (Hard?) G. A. Cutler John Landis,	7 8 15 8	26	4	11 242	870 949	46 12	280	58 12	821 280	1
		Doniphan				J. H. Stringfellow R. L. Kirk	818 992		J. Ryan	8 80 25		1	78		76	2			
	18	Nemaha	28			J. H. Stringfellow	49	420	Joel Ryan	18 14 18	54	6	946 62	486	186	160	279	206	
12	14	Burr Oak	215	213	9	R. L. Kirk Joel P. Blair T. W. Waterson	956 958	258	John Fee	9	04	'	808	400	140	166	140	166	
18	15		968	908	9	H. B. C. Harris J. Weddell	419	419					417	417	80	882	80	882	
14	16	Leavenworth	885	895	8	Wm, G. Matihias H. D McMeekin Archy Paine	999 897 895	897	Felix G. Bradin Samuel France F. Browning	59 59 59	59		964	964	150	814	150	814	

ABSTRACT OF ELECTION of March 30, 1855, by Council Districts.

Ne, of Council District,	Ne. of Election District.	Precincta.	Voters in Election Districts.	Vo. of voters by Canaca in Council Districts.	Ve. of Councilmen.	Pro-Slavery Candidales.	No. of Voters for them in Election District.	Total Voters in Council Dis- tricts for them.	Free-State Candidates,	Election Diatrict.	Total Votes in Council Da- trict for them.	District.	Total Votes cast in Conneil District.	No. of Legal Votes in Elec- tion District.	No, of Illegal Votes in Elec- tion District.	No. of Legal Votes in Com- ell District.		by Higgsl Votes.	Probable result if no invesion.
1	4	Lawrence	869 47	466	2	Thomas Johnson Ed. Chapman Thomas Johnson Ed. Chapman	780 788 78 78		Joel K. Goodwin S. N. Wood Joel K. Goodwin S. N. Wood	254 257 257 2		1 108		282 15	65			2	Free-State.
2 8	17	Titus's	212 101 58	212 198	1 1	Thomas Johnson Ed. Chapman	42 48 818 870 211	909	Joef K. Goodwin S. N. Wood, J. A. Wakefield, A. McDonald William F. Johnson	16 16 12 4 28	12	886 87- 28-	1188 880	25 82 25	816 888 209	25	827 816		
4	8	Buli Creek	89 442	442	2	H. J. Strickler A. M. Coffee	17 877 876 199	598	M. G. Morris James P. Fox M. G. Morris James P. Fox	60		898		87 18	880	94	547	1	
		Big Sugar Creek Little Sugar Creek				David Lykins A. M. Coffee David Lykins A. M. Coffee David Lykins David Lykins	199 74 74 81 84	680	M. G. Morris James P. Fox M. G. Morris James P. Fox	17 16 69 70		91	855	82 105	59		680	2	Free-State.
6		Big Blue Rock Creek	258 86 68	258 201	1	Win. Barbee John Donaldson John Donaldson John Donaldson	848 28 27 27	848	M. F. Conway M. F. Conway M. F. Conway	50 42 21		845 77 69 25 881		100 75 48 28	248 21 824	100	248		Pro-Slavery.
7	11	Marysville	24 78	247	1	John Donaldson John Donaldson John Donaldson John W. Foreman	828 12 4 74	896	M. F. Conway M. F. Conway M. F. Conway	19		81		72	2	195	845		Free-State.
8 9	18	Doniphan	28 215 208	215 208	1 1	John W. Foreman John W. Foreman Wm. P. Richardson D. A. M. Grover	848 61 284 411	478 294 411	John W. Whitehead		68	809	478 802 412	186 17 140 80	45 166	140	207 166 882		Pro-Slavery. Doubtful. Pro-Slavery.
10	18 16		885 885	468	2	R. R. Heese L. J. Eastin R. R. Reese L. J. Eastin	288 283 896 898	1129	B. H. Twombly A. J. Whitney B. H. Twombly A. J. Whitney	60		964	1206	12 150	280				Doubtful.
				2905	18			5487			861 8	5	6289			_	-	-	

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ABSTRACT OF CENSUS, and Returns of Election of March 80, 1855, by Election Districts.

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No. of District	Places of Voting.	Pro-Slavery Votes	Fron State Viden	Seat of talk	Tulal	Total of Legal Votes	Total of Heral Votes .	No. Persons R. ablents.	No of Vuters	e, of itsteet	vis of attitude a	Vis of Dates	No of Members
234 5 6789 0 1 2 3 4 567	Dig Sugar Creek Lit. Sagar Creek Fort Scott Isane B. Titus Counsell Grove. Pawnee. Sig Bine. Rock Creek Marysville. (St. Mary's. Silver Lake Hiekory Point (Doniphan.	7-13:36 7-19:	25 12 4 0 P 6 170 25 25 15 25 25 15 25 25 15 25 25 15 25 25 15 25 25 25 25 25 25 25 25 25 25 25 25 25		2000年最後年度日本日本日本日本日本日本日本日本日本日本日本日本日本日本日本日本日本日本日本	25 3 3 10 0 2 2 3 1 1 2 2 8 1 1 5 1 1 1 2 1 1 2 1 1 2 1 1 2 1 1 1 1	33.	116. 57. 1123 150	10 44: 255 5 5 5 7 7 7 9 7 24: 25 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	10 1 10 10 10 10 10 10 10 10 10 10 10 10		-	83 24
	Total	542,	9;	92	633	31	1900	1926	2892	Г	17		26

Your Committee report the following facts not shown by the tables:

Of the twenty-nine hundred and five voters named in the census-rolls, eight hundred and thirty-one are found on the poll-books. Some of the settlers were prevented from attending the election by the distance of their homes from the polls, but the great majority were deterred by the open arowal that large bodies of armed Missourians would be at the polls to vote, and by the fact that they did so appear and control the election. The same causes deterred the Free-State settlers from running candidates in several districts, and in others induced the candidates to withdraw.

The poll-books of the IId and VIIIth Districts were lost, but the proof is quite clear that in the IId District there were thirty, and in the VIIIth District thirty-eight legal votes, making a total of eight hundred and ninety-eight legal voters of the Territory, whose names are on the census returns, and yet the proof, in the state in which we are obliged to present it, after excluding illegal votes. leaves the total vote of 1,810, showing a discrepancy of 412. The discrepancy is accounted for in two ways: First, the coming in of settlers before the March election, and after the census was taken or settlers who were omitted in the census; or secondly, the disturbed state of the Territory while we were investigating the elections in some of the districts, thereby preventing us from getting testimony in relation to the names of legal voters at the time of election.

If the election had been confined to the actual actilers, undeterred by the presence of non-residents, or the knowledge that they would be present in numbers sufficient to out-vote them, the testimony indicates that the Council would have been composed of seven in favor of making Kan-

sas a Free State, elected from the 1st, 1Id, 1Ild, 1IVth, and VIth Council Districts. The result in the VIIIth and Xth, electing three members, would have been doubtful, and the Vth, VIIth and IXth would have elected three Pro-Slavery members.

Under like circumstances the House of Representatives would have been composed of fourteen members in favor of making Kansas a Free State, elected from the IId, IIId, IVth, Vth, VIIth, VIIth, IXth, and Xth Representative Districts

The result in the XIIth and XIVth Representative Districts, electing five members, would have been doubtful, and the Ist, VIth, XIth and XVth Districts would have elected seven Pro-Slavery members.

By the election, as conducted, the Pro-Slavery andidates in every district but the VIIIth Repreentative District received a majority of the votes; nd several of them, in both the Council and louse, did not "reside in" and were not "inhabiants of" the district for which they were elected, s required by the organic law. By that act it as declared to be "the true intent and meaning f this act to leave the people thereof perfectly ree to form and regulate their domestic instituions in their own way, subject to the Constitu-ion of the United States." So careful was Conress of the right of popular sovereignty, that to ecure it to the people, without a single petition from any portion of the country, they removed the restriction against slavery imposed by the Missouri Compromise. And yet this right, so carefully secured, was thus by force and fraud overthrown by a portion of the people of an adjoining State.

The striking difference between this Republic and other Republics on this Continent is not in the wrovisions of Constitutions and laws, but that here changes in the administration of those laws have been made peacefully and quietly through the ballot-box. This invasion is the first and only one in the blatory of our government, by which an organized force from one State has elected a Legislature for another State or Territory, and as such it should have been resisted by the whole executive power of the National Government.

Your Committee are of the opinion that the Constitution and laws of the United States have invested the President, and Governor of the Territory with ample power for this purpose. could only act after receiving authentic information of the facts, but when received, whether before or after the certificates of election were granted, this power should have been exercised to its fullest extent. It is not to be tolerated, that a legislative body thus selected should assume or exercise any legislative functions; and their enactments should be regarded as null and void; nor should the question of its legal existence as a legislative body be determined by itself, as that would be allowing the criminal to judge of his own erime. In section 22 of the organic act it is provided, that "the persons having the highest number of legal votes in each of said Council Districts for members of the Council shall be declared by the Governor to be duly elected to the Council, and the persons having the highest

number of legal votes for the House of Representatives, shall be declared by the Governor duly law, but is allowed to remain, as tending to show elected members of said House." The proclamative the cause of the action of the citizens of Missouri. tion of the Governor required a verified notice of a contest, when one was made, to be filed with him within four days after the election. Within that time he did not obtain information as to force or fraud in any except the following Districts, and in these there were material defects in the returns of election. Without deciding upon his power to set aside elections for force and fraud, they were set aside for the following reasons.

In the 1st District, because the words, "by law-tul resident voters," were stricken out from the

return.

In the IId District, because the oath was administered by G. W. Taylor, who was not authorized to administer an oath.

In the IIId District, because material erasures from the printed form of the oath were purposely made.

In the IVth District for the same reason. In the VIIth District, because the Judges were

not sworn at all. In the XIth District, because the returns show

the election to have been held viva voce instead of by ballot. In the XVIth District, because the words "by

lawful residents" were stricken from the returns.

ABSTRACT of the Returns of Election of May 22, 1855.

No of Places of District, Voting.	Pro-Slavery Votes,	Free-State	Scatting.	Total.
I Lawrence.	_	288	18	806
II Douglas.	_	127	_	127
III Stinson's.	_	148	1	149
VII " 110."		66	18	79
VIII Council Grove.	_	88	-	88
XVI Leavenworth.	560	140	15	715
Total.	560	802	47	14 .

Although the fraud and force in other districts was equally great as in these, yet as the Governor had no information in regard to them, he issued

certificates according to the returns.

Your Committee here felt it to be their duty not only to inquire into and collect evidence in regard to force and fraud attempted and practised at the elections in the Territory, but also into the facts and pretexts by which this force and fraud had been excused and justified; and for this purpose your Committee have allowed the declarations of non-resident voters to be given as evidence in their own behalf; also the declarations of all who came up the Missouri River as emigrants in March, 1855, whether they voted or not, and whether they came into the Territory at all or not; and also the rumors which were circulated among the people of Missouri previous to the election. The great body of the testimony taken at the instance of the sitting Delegate is of this character.

When the declarations of parties passing up the river were offered in evidence, your Committee received them upon the distinct statement that they would be excluded unless the persons making the declarations were by other proof shown to have been connected with the elections. This officers, and a portion of its circulars and records, proof was not made, and therefore much of this to ascertain what has been done by it. The public

the cause of the action of the citizens of Missouri. The alleged causes of the invasions of March, 1855, are included in the following charges:

I. That the New England Aid Society of Boston was then importing into the Territory large numbers of men, merely for the purpose of controll-ing the elections. That they came without women, children, or baggage, went into the Terri-

tory, voted, and returned again.

II. That men were hired in the Eastern or Northern States, or induced to go to the Territory, solcly to vote, and not to settle, and by so doing

to make it a Free State.

III. That the Governor of the Territory purposely postponed the day of election to allow this emigration to arrive, and notified the Emigrant Aid Society, and persons in the Eastern States, of the day of election, before he gave notice to the people of Missouri and the Territory.

That these charges were industriously circulated; that grossly exaggerated statements were made in regard to them; that the newspaper press and leading men in public meetings in Western Missouri, aided in one case by a Chaplain of the United States Army, gave currency and credit to them, and thus excited the people, and induced many well-meaning citizens of Missouri to march into the Territory to meet and repel the alleged Eastern paupers and Abolitionists, is fully proven by many witnesses.

But these charges are not sustained by the

r-oof.

In April, 1854, the General Assembly of Massachusetts passed an act entitled "An act to incorporate the Massachusetts Emigrant Aid Society." The object of the Society, as declared in the first section of this act, was "for the purpose of assisting emigrants to settle in the West." The moneved capital of the corporation was not to exceed five millions of dollars, but no more than four per cent. could be assessed during the year 1854, and no more than ten per cent in any one year thereafter. No organization was perfected, or proceedings had, under this law.

On the 24th day of July, 1854, certain persons in Boston, Massachusetts, concluded articles of agreement and association for an Emigrant Aid Society. The purpose of this Association was declared to be "assisting emigrants to settle in the West." Under these articles of association each stockholder was individually liable. To avoid this difficulty, an application was made to the General Assembly of Massachusetts for an act of incorporation, which was granted. On the 21st day of February, 1855, an act was passed to incorporate the New-England Emigrant Aid Company. The purposes of this act were declared to be directing emigration westward, and aiding and providing accommodation for the emigrants after arriving at their place of destination." The capital stock of the corporation was not to exceed one million of dollars. Under this charter a company was organized.

Your Committee have examined some of its

tory of Kansas, and emigration naturally tended in that direction. To ascertain its character and resources, this Company sent its agent into it, and the information thus obtained was published. The Company made arrangements with various lines of transportation to reduce the expense of emigration into the Territory, and procured tickets at the reduced rates. Applications were made to the Company by persons desiring to emigrate, and when they were numerous enough to form a party of convenient size, tickets were sold to them at the reduced rates. An agent acquainted with the route was selected to accompany them. Their baggage was checked, and all trouble and danger of loss to the emigrant in this way was avoided.

Under these arrangements, companies went into the Territory in the fall of 1854, under the articles of association referred to. The Company did not pay any portion of the fare, or furnish any personal or real property to the emigrant. Company, during 1855, sent into the Territory from eight to ten saw-mills, purchased one hotel in Kansas City, which they subsequently sold, built one hotel at Lawrence, and owned one other building in that place. In some cases, to induce them to make improvements, town lots were given to them by town associations in this Territory. They held no property of any other kind or description. They imposed no condition upon their emigrants, and did not inquire into their political, religious, or social opinions. The total amount expended by them, including the salaries of their agents and officers, and the expenses incident to all organizations, was less than \$100,000.

Their purposes, as far as your Committee can ascertain, were lawful, and contributed to supply those wants most experienced in the settlement

of a new country.

The only persons or company who emigrated into the Territory under the auspices of the Emigrant Aid Society in 1855, prior to the election in March, was a party of 159 persons who came under the charge of Charles Robinson.

In this party there were 67 women and children. They came as actual settlers, intending to make their homes in the Territory, and for no other purpose. They had about their persons but little baggage; usually sufficient clothing in a carpet sack for a short time. Their personal effects, such as clothing, furniture, &c., were put into trunks and boxes; and for convenience in selecting and cheapness in transporting, were marked "Kansas party baggage, care B. Slater, St. Louis." Generally this was consigned as freight in the usual way to the care of a commission merchant. party had, in addition to the usual allowance of one hundred pounds to each passenger, a large quantity of baggage on which the respective owners paid the usual extra freight. Each passenger or party paid his or their own expenses; and the only benefit they derived from the Society, not shared by all the people of the Territory, was the reduction of about \$7 in the price of the fare, the convenience of travelling in a company instead of plants, the cheapness and facility of transporting their freight through regular agents. Subsequently, many emigrants, being either disappointed by the cheapness and facility of the cheapness and facility of transporting their freight through regular agents. Subsequently, many emigrants, being either disappointed by the cheapness and the cheapness and facility of transporting their freight through regular agents. Subsequently, many emigrants, being either disappointed by the cheapness and facility of the cheapness and facility o

attention at that time was directed to the Terri- with the country or its political condition, or deceived by the statements made by the newspapers and by the agents of the Society, became dissatisfied, and returned, both before and after the election, to their old homes. Most of them are now settlers in the Territory. Some few voted at the election in Lawrence, but the number was small The names of these emigrants have been ascer-- of them were found upon the tained, and poll-books. This company of peaceful emigrants, moving with their household goods, was distorted into an invading horde of pauper Abolitionists who were, with others of a similar character, to control the domestic institutions of the Territory. and then overturn those of a neighboring powerful State.

In regard to the second charge: There is no proof that any man was either hired or induced to come into the Territory from any Free State, merely to vote. The entire emigration in March, 1855, is estimated at 500 persons, including men. women, and children. They came on steamboats up the Missouri River, in the ordinary course of emigration. Many returned for causes similar to those before stated, but the body of them are now residents. The only persons of those who were connected by proof with the election, were some who voted at the Big Blue Precinct in the Xth District, and at Pawnee in the IXth District. Their purpose and character are stated in a former

part of this report.

The third charge is entirely groundless. The organic law requires the Governor to cause an enumeration of the inhabitants and legal voters 10 be made, and that he apportion the members of the Council and House according to this enumeration. For reasons stated by persons engaged in taking the census, it was not completed until the early part of March, 1855. At that time, the day of holding the election had not been and could not have been named by the Governor. As soon as practicable, after the returns were brought in he issued his proclamation for an election, and named the earliest day consistent with due notice as the day of election. The day on which the election was to be held, was a matter of conjecture all over the country. But it was generally know: that it would be in the latter part of March. precise day was not known by any one until the proclamation issued. It was not known to the agents of the Emigrant Aid Society in Boston on the 13th of March, 1855, when the party of emigrants before referred to, left.

Your Committee are satisfied that these charges were made the mere pretext to induce an armed invasion into the Territory, as a means to control

the election, and establish slavery there.

The real purpose is avowed and illustrated by the testimony and conduct of Col. John Scott, of St. Joseph's, Missouri, who acted as the attorney for the sitting delegate before your Committee. The following are the extracts from his deposition:

the Territory, and took boarding with Mr. Bryant, near whose house the poils were held the next day, for one month, so that I might have it in my power, by merely determining to do so, to become a resident of the Territory on

the day of election.

"When my name was proposed as a Judge of Election, objections were made by two persons only. * * * * I then publicly informed those present that I had a claim in the Territory; that I had taken board in the Territory for a month, and that I could at any moment become an actual resident and a legal voter in the Territory, and that I would do so if I concluded at any time during the day that my vote would be necessary to carry that precinet in favor of the Pro-Slavery candidate for delegate to Congress. * * *

the Pro-Slavery candidate for delegate to Oongress. * * I did not during the day consider it necessary to become a resident of the Territory for the purpose mentioned, and did not vote or offer to vote at that election. "I held the office of City Attorney for St. Joseph's at that time, and had held it for two or three years previously, and continued to hold it until this spring. * I voted at an election in St. Joseph's in the spring of 1853, and was reappointed City Attorney. The question of Slavery was put in issue at the election of November, 1854, to the same extent as in every election in this Territory. Gen. Whitfield extent as in every election in this ferriory, wen, winten was regarded as the Pro-Slavery candidate for the Pro-Slavery party. I regarded the question of Slavery as the primarily prominent issue at that election, and so far as I know, all parties agreed in making that question the issue

of that election.

"It is my intention and the intention of a great many other Missourians now resident in Missouri, whenever the Slavery issue is to be determined upon by the people of this Territory in the adoption of the State Constitution to remove to this Territory in time to acquire the right to become legal voters upon that question. The leading purpose of our intended removal to the Territory is to determine the domestic institutions of this Territory, when it comes to be a State, and we would not come but for that purpose, and would never think of coming here but for that purpose. I believe there are a great many in Missouri who are so situated."

The invasion of March 30th left both parties in a state of excitement, tending directly to produce violence. The successful party was lawless and reckless, while assuming the name of the "Law and Order" party. The other party, at first surprised and confounded, was greatly irritated, and some resolved to prevent the success of the invasion. In some Districts, as before stated, protests were sent to the Governor; in others this was prevented by threats; in others by the want oftime, only four days being allowed by the proclamation for this purpose; and in others by the belief that a new election would bring a new invasion. About the same time all classes of men commenced bearing deadly weapons about the person, a practice which has continued to this Under these circumstances, a slight or accidental quarrel produced unusual violence, and lawless acts became frequent. This evil condition of the public mind was further increased by acts of violence in Western Missouri, where, in April, a newspaper press called The Parkville Luminary was destroyed by a mob.

About the same time, Malcolm Clark assaulted Cole McCrea at a squatter meeting in Leavenworth, and was shot by McCrea in alleged self-

defence.

On the 17th day of May, William Phillips, a lawyer of Leavenworth, was first notified to leave, and upon his refusal, was forcibly seized, taken across the river, and carried several miles into Missouri, and then tarred and feathered, and one side of his head shaved, and other gross indignities put upon his person.

Previous to the outrage, a public meeting was held, at which resolutions were unanimously passed, I trict.

looking to unlawful violence, and grossly intole rant in their character. The right of free speech upon the subject of Slavery was characterized as a disturbance of the peace and quiet of the community, and as "circulating incendiary sentiments." They say "to the peculiar friends of Northern fanatics," "Go home and do your trea-son where you may find sympathy." Among other resolves is the following:

"Resolved, That the institution of Slavery is known and recognized in this Territory; that we repei the doctrine that it is a moral and political evil, and we hurl back with scorn upon its slanderous authors the charge of inhumanity; and we warn all persons not to come to our peaceful firesides to slander us, and sow the seeds of discord between the master and the servant; for, as much as we deprecate the necessity to which we may be driven, we cannot be responsible for the consequences.

"A Committee of Vigilance of 50 men was appointed to observe and report all such persons as shall * * * by the expression of Abolition sentiments produce disturbance to the quiet of the citizens, or danger to their domestic relations; and all such persons so offending shall be notified

and made to leave the Territory.

The meeting was "ably and eloquently addressed by Judge Lecompte, Col. J. N. Burns, of Western Missouri and others." Thus the head of the Judiciary in the Territory not only assisted at a public and bitterly partisan meeting, whose direct tendency was to produce violence and disorder; but before any law is passed in the Territory, he prejudges the character of the domestic institutions, which the people of the Territory were, by their organic law "left perfectly free to form and regulate in their own way."

On this Committee were several of those who held certificates of election as members of the Legislature: some of the others were then and still are residents of Missouri, and many of the Committee have since been appointed to the leading offices in the Territory, one of which is the Sheriffalty of the County. Their first act was

that of mobbing Phillips.

Subsequently, on the 25th of May, A. D. 1855, a public meeting was held, at which R. R. Rees, a member-elect of the Council, presided. The following resolutions, offered by Judge Payne, a member-elect of the House, were unanimously adopted:

"Resolved. That we heartily endorse the action of the Committee of citizens that shaved, larred and feathered, rode on a rail, and had sold by a negro, Wm. Phillips, the moral

"Resolved, That we return our thanks to the Committee for faithfully performing the trust enjoined upon them by

for faithfully performing the trust engoined upon them by the Pro-Slavery party.

"Resolved, That the saverely condomn those Pro-Slavery mone who, from mercenary motives, are calling upon the Pro-Slavery party to submit without further action.

"Resolved, That in order to secure peace and harmony to the community, we now solemnly declare that the Pro-Slavery party will stand firmly by and carry out the resolutions reported by the Committee appointed for that purpose on the memorable 80th."

The act of moral perjury here referred to, is the swearing by Phillips to a truthful protest in regard to the election of March 80, in the XVIth Dis-

The members receiving their certificates of the Governor as members of the General Assembly of the Territory, met at Pawnee, the place appointed by the Governor, on the 2d of July, A. D. 1855. Their proceedings are stated in three printed books, herewith submitted, entitled respectively, "The Statutes of the Territory of Kansas;" "The Journal of the Council of the Territory of Kansas,' and "The Journal of the House of Representatives of the Territory of Kansas."

Your Committee do not regard their enactments as valid laws. A Legislature thus imposed upon a people cannot affect their political rights. an attempt to do so, if successful, is virtually an overthrow of the organic law, and reduces the people of the Territory to the condition of vassals to a neighboring State. To avoid the cvils of anarchy, no armed or organized resistance to them should be made, but the citizens should appeal to the ballot-box at public elections, to the Federal Judicary, and to Congress for relief. Such, from the proof would have been the course of the people but for the nature of these enactments and the manner in which they are enforced. Their character and their execution have been so intimately connected with one branch of this investigationthat relating to "violent and tumultuous proceedings in the Territory "-that we were compelled to examine them.

The "laws" in the statute-books are general and special; the latter are strictly of a local character, relating to bridges, roads, and the like. The great body of the general laws are exact transcripts from the Missouri Code. To make them in some cases conform to the organic act, separate acts were passed defining the meaning of words. Thus the word "State" is to be understood as meaning "Territory;" the word "County Court" shall be construed to mean the Board of Commissioners transacting county business, or the Pro-bate Court, according to the intent thereof. The words "Circuit Court" to mean "District Court."

The material differences in the Missouri and Kansas statutes are upon the following subjects: The qualifications of voters and of members of the Legislative Assembly; the official oath of all officers, attorneys and voters; the mode of selecting officers and their qualifications: the slave code; and the qualifications of jurors.

Upon these subjects the provisions of the Missouri Code are such as are usual in many of the States. But by the "Kansas Statutes," every office in the Territory, executive and judicial, was to be appointed by the Legislature or by some officer appointed by it. These appointments were not merely to meet a temporary exigency, but were to hold over two regular elections and until after the general election in October, 1857, at which the members of the new Council were to be elected. The new Legislature is required to meet on the first Monday in January, 1858. Thus by the terms of these "Laws," the people have pay it. They were present and voted at the votno control whatever over either the Legislature, ing-places of Atchison and Douiphan, in Atchison
the Executive, or the Judicial departments of the County; at Green Springs, Johnson County; at
Territorial Government until a time before which,
Willow Springs, Franklin, and Lecompton, in
by the natural progress of population, the Territorial Government will be superseded by a State
torial Government will be superseded by a State
at Baptiste Paola, Lykins Co., where some Indi-Government.

No session of the Legislature is to be held during 1856, but the members of the House are to be elected in October of that year. A candidate, to be eligible at this election, must swear to support the Fugitive Slave Law, and each Judge of Elec-tion, and each voter, if challenged, must take the same oath. The same oath is required of every officer elected or appointed in the Territory, and of every attorney admitted to practice in the

A portion of the militia is required to muster on the day of election. "Every free white male eitizen of the United States, and every free male Indian who is made a citizen by treaty or otherwise, and over the age of twenty-one years, and who shall be an inhabitant of the Territory and of the County and District in which he offers to vote, and shall have paid a Territorial tax, shall be a qualified elector for all cleetive offlees." Two classes of persons were thus excluded who by the organic act were allowed to vote, viz.: those who would not swear to the oath required, and those of foreign birth who had declared on oath their intention to become eitizens. Any man of proper age who was in the Tcrritory on the day of election, and who had paid one dollar as a tax to the sheriff, who was required to be at the polls to receive it, could vote as an "inhabitant," although he had breakfasted in Missouri and intended to return there for supper. There can be no doubt that this unusual and unconstitutional provision was inserted to prevent a full and fair expression of the popular will in the election of members of the House, or to control it by non-residents.

All Jurors are required to be selected by the Sheriff, and "no person who is conscientiously opposed to the holding of slaves, or who does not admit the right to hold slaves in the Territory, shall be a Juror in any cause " affecting the right to hold slaves or relating to slave property.

The Slave Code, and every provision relating to slaves, are of a character intolerant and unusual even for that class of legislation. The character and conduct of the men appointed to hold office in the Territory contributed very much to produce the events which followed. Thus, Samuel I. Jones was appointed Sheriff of the County of Douglas, which included within it the 1st and 11d Election Districts. He had made himself peculiarly obnoxious to the settlers by his conduct on the 30th of March in the IId District, and by his burning the cabins of Joseph Oakley and Samuel Smith.

An election for delegates to Congress, to be held on the 1st day of October, 1855, was provided for with the same rules and regulations as were applied to other elections. The Free-State men took no part in this election, having made arrangements for holding an election on the 9th of the same month. The citizens of Missouri attended at the election of the 1st of October, some paying the dollar tax, others not being required to aus voted, some whites paying the \$1 tax for them; venworth County; at the latter place under the the circulation for signature of a graphic and lead of Gen. B. F. Stringfellow and Col. Lewis Barnes of Missouri. From two of the election precincts at which it was alleged there was illegal voting-viz., Delaware and Wyandotte-your Committee failed to obtain the attendance of witnesses. Your Committee did not deem it necessary, in regard to this election to enter into details, as it was manifest that from there being but one candidate-Gen. Whitfield-he must have received a majority of the votes cast. This election, therefore, depends not on the number or character of the votes received, but upon the validity of the laws under which it was held. Sufficient testimony was taken to show that the voting of citizens of Missouri was practised at this election, as at all former elections in the Territory. The following table will exhibit the result of the testimony as regards the number of legal and illegal votes at this election. The county of Marshall embraces the same territory as was included in the Xlth district; and the reasons before stated indicate that the great majority of the votes then cast were either illegal or fictitious. In the counties to which our examination extended there were - illegal votes cast, as near as the proof will enable us to determine.

ABSTRACT OF POLL-BOOKS OF OCTOBER 1, 1855.

Couwren.	Townsites.	J. W. Whitfield.	Souttering.	Total Votes cast.	No. of legal Votes.	No. of illegal Votes.
Calhoun	Shannon	181 242 4 29 8 42 81 66 59	4 4	219 242 4 29 12 —	50 4 29 12 41 81 62 59	192
Douglas	Frankiin		=	882	28 42 58	50
Jefferson Johnson Leavenworth	Alexandria Delaware Kickapoo Leavenworth Wyandotte	49 190 42 289 150 212 246	8 1 5	15 45 19 	96	100 - 50 100 - 150
Lykins Lynn	1		=	67	7	150
Marshall Nemaha Riley	One Hundred & Ten Tecumseh Council Grove	98	=	171 6 28 70	24 6 25 28 52 14	147

While these enactments of the Legislative Assembly were being made, a movement was instituted to form a State Government and apply for 1855. admission into the Union as a State. The first step taken by the people of the Territory, in con- Convention, accepted their appointment, and en-

at Leavenworth City, and at Kickapoo City, Lea-I sequence of the invasion of March 30, 1855, was truthful memorial to Congress. Your Committee find that every allegation in this memorial has been sustained by the testimony. No further step was taken, as it was hoped that some action by the General Government would protect them in their rights. When the alleged Legislative Assembly proceeded to construct the series of enactments referred to, the settlers were of opinion that submission to them would result in depriving them of the right secured to them by the organic law. Their political condition was freely discussed in the Territory during the Summer of Several meetings were held in reference to holding a Convention to form a State Government and to apply for admission into the Union as Public opinion gradually settled in a State. favor of such an application to the Congress to meet in December, 1855. The first general meeting was held in Lawrence on the 15th of August.

> The following preamble and resolutions were then passed:

> " Whereas. The People of Kansas have been, since its settlement, and now are, without any law-making power;

therefore be it

"Resolved, That we, the people of Kansas Territory, in mass meeting assembled, irrespective of party distinctions, mass unretung assemuote, irrespective of party distinctions, influenced by common necessity, and greatly desirous of promoting the common good, do hereby call upon and request all bona #ide citizens of Kanass Territory, of whatever political views or predilections, to consult tope-ther in their respective Election Districts, and in mass control to the property of vention, or otherwise elect three delegates for such reprevenuon, or unerwise eiect unree cuequase ior such repre-sentative to which said Election District is entitled in the House of Representatives of the Legislative Assembly, by proclamation of Governor Reeder, of date 19th of March, 1355; said delegates to assemble in Convention at the town of Topeka on the 19th day of September, 1355, then and there to consider and determine upon all subjects of public interest, and particularly upon that having reference to the speedy formation of a State Constitution, with an intention of an immediate application to be admitted as a State into the Union of the United States of America.'

Other meetings were held in various parts of the Territory, which indorsed the action of the Lawrence meeting, and delegates were selected n compliance with its recommendations.

They met at Topeka on the 19th day of Sep-tember, 1855. By their resolutions they provided for the appointment of an Executive Committee to consist of seven persons, who were required to "keep a record of their proceedings, and shall have a general superintendence of the affairs of the Territory so far as regards the organization of the State Government." They were required to take steps for an election to be held on the second Tuesday of the October following, under regulations imposed by that Committee, "for members of a Convention to form a constitution, adopt a Bill of Rights, for the people of Kansas, and take all needful measures for organizing a State Government, preparatory to the admission of Kausas into the Union as a State." The rules prescribed were such as usually govern elections in most of the States of the Union, and in most respects were similar to those contained in the proclama-tion of Gov. Reeder for the election of March 30,

The Executive Committee, appointed by that

tered upon the discharge of their duties by issu- | the Executive Committee and the members-elect ing a proclamation addressed to the legal voters of Kansas, requesting them to meet at their several Precincts, at the time and place named in the proclamation, then and there to cast their ballots for members of a Constitutional Convention, to meet at Topeka on the 4th Tuesday of October then next,

The proclamation designated the places of elections, appointed Judges, recited the qualifications of voters and the appointment of members of the Convention.

After this proclamation was issued, public meetings were held in every District in the Territory, and in nearly every precinct. The State movement was a general topic of discussion throughout the Territory, and there was but little opposition exhibited to it. Elections were held The State at the time and places designated, and the returns were sent to the Executive Committee.

The result of the election was proclaimed by

were required to meet on the 23d day of October, 1855, at Topeka. In pursuance of this proclamation and direction, the Constitutional Convention met at the time and place appointed, and formed a State Constitution. A memorial to Congress was also prepared, praying for the admission of Kansas into the Union under that Constitution The Convention also provided that the question of the adoption of the Constitution and other questions to be submitted to the people, and required the Executive Committee to take the necessary steps for that purpose.

Accordingly, an election was held for that purpose on the 15th day of December, 1855, in compliance with the proclamation issued by the Executive Committee. The returns of this election were made by the Executive Committee, and an abstract of them is contained in the following

table :

ABSTRACT OF THE ELECTION on the Adoption of the State Constitution, Dec. 15, 1955.

Dietriete	Precincts.	Comst teo Yes,	m.	Gene Bank Lav Yes.	ing	Exclusi Negroe Maint Yes,	ban a	No. votes cust.
1	Lawrence Blanton Palmyra Franklin	848 72 11 48	1 2 1	225 59 9	83 14 8		228 20 2	856 76 12 58
2	Bloomington . East Douglas .	187	-	122	11	118	15	187
3	Topeka	185	=	125	9		64	186
	Brownsville Tecumseh	24 85	=	92 23	11		2	24 85
5	Prairie City Little Osage Big Sugar	21	7 2	89 16 5	83 12 16	69 28 90	8	72 81 21
	Neosho	12	8	6 21	19	12 25	19	12 48
	Little Sugar Stanton Osawattamle	82	18	88	18 88 90	42 88	8	87
7	Titus Juniata	56 89 80	5	88 82 28	7	25 10	17 15 19	59 44 81
8	Ohio City Mill Creek	21 20	=	16	5 20	20	1	21 20
	St. Mary's Waubaunsee	14	=	17	14	14	11	14
9	Pawnee Gramh'per Falls	45 54	-	15 19	29	40 50	5	45 54
0	Doniphan Burr Oak	22 23	-	5	14	21	1	22 28
١.,	Jesse Padur's Ocena	12 28	=	1 6	11 20	12 25	=	19 28
B	Kickapos Pleasant Hill	47	_	7 87	18	16 45	4	90 47
	Indianola Whitfield Wolf River	19 7 24	=	8	18 4 12	19 6 18	6	19 7 24
	St. Joseph's Bot- tom	15	-	4	9	14	1	15
5	Mt. Picasant Easton	82	- 0	82 53	1 19	8: 71	2	88 78
7	Mission	7	-	8	19	1	2	7
	Total	1781	46	1120	564	1287	458	1778

N. B.-Poil-book at Leavenworth was destroyed.

The Executive Committee then issued a procla mation reciting the results of the election of the 15th of December, and at the same time provided for an election to be held on the 15th day of January, 1856, for State Officers and members of the General Assembly of the State of Kansas. election was accordingly held in the several election precincts, the returns of which were sent to the Executive Committee. An abstract of them is contained in the following table:

ABSTRACT OF THE ELECTION of Jan. 15, 1856.

				1	Sc.2	tate.	Auc	ľr.	Tree	ın'r.	_	-
Precincia.	Gov. C. Robinson	Gov. W. Y. Roberts	Lieut, Gor, W. Y. Roberts	Lt. Gov. M. J. Parrett	P. C. Schayler	C. K. Holliday	9. A. Culler	W. R. Geiffish	J. A. Wakefield	E. C. K. Garrey	Atl. Gen. H. Miles Moore	Rep. Con. M. W. Delahay
Washington		29	-	29	1	29		29		29	80	80
Doniphan	82	-	82	-	82	_	81	-	82	-	82	89
Osawattamic	82	-	80	-	82		81	-	82	-	81	75
Osage	19	-	19	-	19		19	-	19	-	19	1
Easton	66	6	66	7	66	7	66	7	64	8	75	7.
Burr Oak	24	-	24		24	-	24	-	24	-	24	2
St. Joseph's								1	- 3	1		
Bottom	49	1	49	-	51	-	49	-	50		\$0	Di
Padon's House	27	-	27	-	27	-	27	-	27	-1	27	3
Wolf River	86		86	800	86	-	86	-	86		86	8
East Douglas .	28	8	28	8	28	8	28	8	25	8	81	8
Stanton	81	-	81	-	81	-	81	-	81	-	81	2
Pottawatomie .	89	-	89	-	89	-	89	-	88	-	89	8
Titus	25	4	28	-4	25	4	26	4	26	4	82	8
Blanton	52	25	42	88	23	28	54	24	55	17	75	7
Prairie City	24	80	25	45	27	87	27	10	27	88	72	7
Pleasant Hill .	42	2	48	2	48	2	48	9	48	2	45	4
Mission	10	-	- 1	9	10.	-	16	-	10	-	10	1
Palmyra	25	-	25	-	20	_	25	-	25		25	2
Franklin		58	5	59	8	58	8	58	6	58	66	6
L. Sugar Creek	88		85	-	82	-	84	-	84	-	84	8
Little Osage	19		19	-	19	-	19	-	19	-	19	1
Topeka	88	63	61	64	77	68	88				145	
Tecumseh		84	1	84	1	84		84	8	24	85	8
Brownsville	8	28	8	98	-	28	8	28	29	-	-	2
Kickapoo		51	6	59	14	61	14		14	51	65	6
Leavenworth .	94	7	94	7	94	7	94	7	94	7	101	10
Lawrence	365	41	176	245	888	48	880		885	16	426	180
Neosho	-	-	18		-	-	18	-	18	-	18	1
Stough Creek .	-	14	14	_	_	14		14		14	_	1
Wyandotte	1	1	84		85	-	95	-	115		85	

ABSTRACT OF THE ELECTION OF Jan. 15, 1855.

	H	upres	ne J	udg	os.		Re	p. S.	Clerk	Pri	nter.
Precincta.	M. Hunt	S. N. Latta	M. F. Conway	G. W. Smith	S. W. Johnson	J. A. Wakefield	S. B. McKettle	E, M. Thurston	rk Supreme Court-S. B. Floyd	John Speer.	R. G. Elliott.
Washington Donlphan. Oswatlamie Oswatlamie Oswatlamie Oswatlamie Osage Eastouk	1 82 81 19 66 24 50 27 86 82 81 89 25 55 7 45 10 25 8 84 19 4 14 94 8888 18 14 85	81 89 82 55 27 48 10 25 84 19 141 25	84 19 84 1 14 94 871	4 28 45 2 57 61 34 51 7	- 4 - 4 - 4 - 23 - 45 - 2 - 57 - 6: 84 - 7 - 45	288 45 2 45 2 51	7 46	14 94	80 82 82 19 76 5 27 86 81 81 82 77 45 86 86 19 145 85 65 101	1 82 82 82 19 70 24 50 27 89 28 28 28 28 28 28 28 10 28 28 28 28 28 28 28 10 28 10 28 10 28 10 10 10 10 10 10 10 10 10 10 10 10 10	29

The result of this election was announced by a proclamation by the Executive Committee.

In accordance with the Constitution thus adopted, the members of the State Legislature and most of the State officers met on the day and at the place designated by the State Constitution, and took the oath therein prescribed.

After electing United States Senators, passing some preliminary laws, and appointing a Codifying Committee and preparing a Memorial to Congress, the General Assembly adjourned to meet on the 4th day of Jniy, 1856

The laws passed were all conditional upon the admission of Kansas as a State into the Union. These proceedings were regular, and in the opinion of your Committee the Constitution thus adopted fairly expresses the will of the majority of the settlers. They now await the action of Congress upon their Memorial.

These elections, whether they were conducted in pursuance of law or not, were not illegal.

Whether the result of them is sanctioned by the action of Congress, or they are regarded as the mere expression of a popular will, and Congress should refuse to grant the prayer of the The Memorial, that cannot affect their legality. right of the people to assemble and express their political opinion in any form, whether by means of an election or a convention, is secured to them by the Constitution of the United States. Even if the elections are to be regarded as the act of a against a similar invasion in future. party, whether political or otherwise, they were

proper, in accordance with examples, both in States and Territories.

The elections, however, were preceded and followed by acts of violence on the part of those who opposed them, and those persons who approved and sustained the invasion from Missouri were peculiarly hostile to these peaceful movements preliminary to the organization of a State Government. Instances of this violence will be referred to hereafter.

To provide for the election of Delegates to Congress, and at the same time do it in such a manner as to obtain the judgment of the House of Representatives upon the validity of the alleged Legislative Assembly sitting at Shawnee Mission, a Convention was held at Big Springs on the 5th and 6th days of September, 1855. This was a party Convention, and a party calling itself the Free State party was then organized. It was in no way connected with the State movement. except that the election of Delegate to Congress was fixed by it on the same day as the election of members of a Constitutional Convention, instead of the day prescribed by the alleged Legislative Assembly. Andrew H. Reeder was put in nomination as Territorial Delegate to Congress, and an election was provided for under the regulations prescribed for the election of March 30. 1855, excepting as to the appointment of officers and the persons to whom the returns of the elections should be made. The election was held in accordance with these regulations, an abstract of the returns of which is contained in the following table :-

ABSTRACT OF THE ELECTION OF A. H. REEDER

Dist. Voting Place.	No.	I.	otes.	Dist. V	oting Place.	No.	V	otes.
			557	IX	-Pawnee			76
Blanton			77	X	-Big Blue			77
Palmyra .			16		Rock Cre	ek.	÷	80
II.—Bloomington			116	XI	-Black Ve	rmili	on	14
Benicia			27	XII	-St. Mary	g .		19
IIIBrownsville		i	24		Silver La	ke.	0	28
Topeka			181	XIII	Pleasant	Hill	1	43
Tecumseh .	- 1	Ĭ			Falls Pre			45
Big Springs		Ī	85		Hickory			11
Camp Creek		î	7	XIV -	-Burr Oal			
IV Willow Sprin	nes				Doniphar			
V Hampden .	B-	•	83		Palermo			
Neosho				YV -	Ocena.			
Stanton			44	24.	Crosby' S			39
Osawattamie			74		Jackson			
Pottawatomi			56	V. E.S.	-Leavenw			508
Big Sugar Cr			28	711	Wyando		۰	88
Little Sugar					Delaware		•	99
VI.—Scott Town			27					
Columbia .					Easton			
					Ridge Po	int.	٠	43
Fergna's .		٠	12	XVII	Wakerus			.7
VIICouncil City	•	٠			Mission			18
VIIIWanbousa .		٠		XVIII	-lowa Pol	nt.		40
A. J. Baker			16				7	
Total								210

The resolutions passed by this convention indicate the state of feeling which existed in this territory in consequence of the invasion from Missouri, and the enactments of the alleged legislative assembly. The language of some of the resolutions is violent, and can only be justified either in consequence of the attempt to enforce the grossest acts of tyranny, or for the purpose of guarding

In the fall of 1855, there sprang out of the ex

a protection to their members against unlawful acts of violence and assault. One of the societies were purely of a local character, and was confined to the town of Lawrence. Very shortly after its organization it produced its desired effect, and then went out of use and ceased to exist. Both societies were combersome, and of no utility except to give confidence to the Free State men and enable them to know and aid each other in contemplated danger. So far as the evidence shows, they led to no act of violence in resistance to

either real or alleged laws.

On the 21st day of November, 1855, F. M. Coleman, a Pro-Slavery man, and Charles W. Dow, a Free-State man, had a dispute about the division line between their respective claims. Several hours afterward, as Dow was passing from a blacksmith's shop toward his claim, and by the cabin of Coleman, the latter shot Dow with a doublebarreled gun loaded with slugs. Dow was un-armed. He fell across the road and died immediately. This was about 1 o'clock P. M. His dead body was allowed to lie where it fell until after sundown, when it was conveyed by Jacob Branson to his house, at which Dow boarded. The testimony in regard to this homicide is voluminous, and shows clearly that it was a deliberate murder by Coleman, and that Harrison Buckley and a Mr. Hargous were accessories to it. The excitement caused by it was very great among all classes of the settlers. On the 26th, a large meeting of citizens was held at the place where the murder was committed, and resolutions passed that Coleman should be brought to justice. In the mean time Coleman had gone to Missonri, and then to Gov. Shannon at Shawnee Mission in Johnson County. He was there taken into custody by S. I. Jones, then acting as Sheriff. No warrant was issued or examination had. On the day of the meeting at Hickory Point, Harrison Bradley procured a peace warrant against Jacob Branson, which was placed in the hands of Jones. That same evening. after Branson had gone to bed, Jones came to his cabin with a party of about 25 persons, among whom were Hargons and Buckley-burst open the door and saw Branson in bed. He then drew his pistol, cocked it, and presented it to Branson's breast, and said, "You are my prisoner, and If you move I will blow you through." The others cocked their guns and gathered round him and took him prisoner. They all mounted and went to Buckley's house. After a time they went on a circuitous route towards Bianton's Bridge, stopping to "drink" on the way. As they approached the bridge there were 13 in the party, several having stopped. Jones rode up to the prisoner, and, among other things, told him that he had "heard there were 100 men at your house today," and "that he regretted they were not there, and that they were cheated out of their sport." In the meantime, the alarm had been given in the neighborhood of Branson's arrest, and several of the settlers, among whom were some who had attended the meeting at Hickory Point that day, liely to be one of the rescuing partry, wished to be gathered together. They were greatly excited; arrested for the purpose of testing the Territorial the alleged injustice of such an arrest of a quiet laws, and walked up to Sheriff Jones and shook

isting discords and excitement in the territory, settler under a peace warrant by "Sheriff Jones," two secret Free-State societies. They were defen- aided by two men believed to be accessory to a sive in their character, and were designed to form murder, and who were allowed to be at large, exasperated them, and they proceeded as rapidly as possible by a nearer route than that taken by Jones, and stopped near the house of J. S. Abbott, one of them. They were on foot as Jones's party approached on a canter. The rescuers suddenly formed across the road in front of Jones and his party. Jones halted, and asked, "What's up?" The reply was, "That's what we want to know! What's up?" Branson said, "They have got me a prisoner." Some one in the rescuing party told him to come over to their side.-He did so, and dismounted, and the mule he rode was driven over to Jones's party; Jones then left. Of the persons engaged in this rescue three were from Lawrence, and had attended the meeting. committee have deemed it preper to detail the particulars of this rescue, as it was made the groundwork of what is known as the Wakernsa war. On the same night of the rescue the cabins of Coleman and Buckley were burned, but by whom is left in doubt by the testimony.

On the morning of the rescne of Branson, Jones was at the village of Franklin near Lawrence. The rescue was spoken of in the presence of Jones, and more conversation passed between two others in his presence, as to whether it was most proper to send for assistance to Colonel Boone in Missouri, or to Gov. Shannon. Jones wrote a dispatch and handed it to a messenger. As soon as he started, Jones said : " That man is taking my dispatch to Missonri, and by God I will have re-venge before I see Missouri." A person present, who was examined as a witness, complained publicly that the dispatch was not sent to the Governor; and within half an hour one was sent to the Governor by Jones, through Hargous. few days, large numbers of men from the State of Missouri gathered and encamped on the Wakerusa. They brought with them all the equipments of war. To obtain them, a party of men under the direction of Judge T. V. Thompson broke into the United States Arsenal and Armory at Liberty, Missouri, and after a forcible detention of Captain Leonard (then in charge), they took the cannon, muskets, rifles, powder, harness, and indeed all the materials and munitions of war they desired, some of which have never been returned or accounted for.

The chief hostllity of this military foray was against the town of Lawrence, and this was especially the case with the officers of the law.

Your Committee can see in the testimony no reason, excuse, or palliation for this feeling. Up to this time no warrant or proclamation of any kind had been in the hands of any officer against any citizen of Lawrence. No arrest had been attempted and no writ resisted in that town. The rescue of Branson sprang out of a murder committed thirteen miles from Lawrence, in a detached settlement, and neither the town ner its citizens extended any protection to Branson's rescuers. On the contrary, two or three days after the rescue. S. N. Wood, who claimed pubhands with him, and exchanged other courtesies. of their progress, violated many laws, and among He could have been arrested without any difficulty, and it was his design, when he went to Mr. Jones, to be arrested, but no attempt was made to

It is obvious that the only cause of this hostility is the known desire of the citizens of Lawrence to make Kansas a Free State, and their repugnance to laws imposed upon them by non-residents.

Your Committee do not propose to detail the incidents connected with this foray. Fortunately for the peace of the country, a direct conflict between the opposing forces was avoided by an amicable arrangement. The losses sustained by the settlers in property taken and time and money expended in their own defence, added much to the trials incident to a new settlement. Many persons were unlawfully taken and detained-in some cases under circumstances of gross cruelty. This was especially so on the arrest and treatment of Dr. G. A. Cutler and G. F. Warren. They were taken, without cause or warrant, sixty miles from Lawrence, and when Dr. Cntler was quite sick. They were compelled to go to the camp at Lawrence, were put into the custody of "Sheriff Jones," who had no process to arrest them-they were taken into a small room kept as a liquor shop, which was open and very cold. That night Jones came in with others, and went to "playing poker at 25 cents ante." The prisoners were obliged to sit up all night, as there was no room to lie down, when the men were playing. Jones insulted them frequently, and told one of them he must either " tell or swing." The guard then objected to this treatment of prisoners, and Jones desisted. G. F. Warren thus describes their subsequent conduct:

They then carried us down to their camp: Kelly of The Squatter Sovereign, who lives in Atcheson, came round and said he thirsted for blood, and said he should like to hang us on the first tree. Cutler was very weak, and that excited him so that he became delirions. They sent for three Doctors, who came. Dr. Stringfellow was They remained there with Cutler one of them. nntil after midnight, and then took him up to the office as it was cold in camp.

During the foray, either George W. Clark, or Mr. Burns, murdered Thomas Barber, while the latter was on the highway on his road from Lawrence to his claim. Both fired at him and it is impossible from the proof to tell whose shot

was fatal. The details of this homicide are stated by eyewitnesses.

Among the many acts of lawless violence which it has been the duty of your Committee to inves-tigate, this invasion of Lawrence is the most dethe pretexts which gave rise to it. munity in which no crime had been committed by pretended officer, was threatened with destruction of the Free-State party were slightly wounded. in the name of "law and order," and that too, by Mr. Brown, with seven others who had account men who marched from a neighboring State with panied him from Leavenworth, started on their arms obtained by force, and who, in every stage return home. When they had proceeded a part

others the Constitution of the Unifed States.

The chief guilt of it; must rest on Samuel J. Jones. His character is illustrated by his language at Lecompton, where peace was made: "The said Maj. Clark and Burns both claimed the credit of killing that d-d Abolitionist, and he didn't know which onght to have it. If Shannon hadn't been a d-d old fool, that peace would never have been declared. He would have wiped Lawrence ont. He had men and means enough

to do it. Shortly after the retreat of the forces from before Lawrence, the election upon the adoption of the State Constitution was held at Leavenworth City, on the 15th of December, 1855. While it was proceeding quietly, about noon, Charles Dunn, with a party of others, smashed in the windows of the building in which the election was being held, and then jumped into the room where the judges of election were sitting, and drove them off. One or the clerks of election snatched up the ballotbox and followed the judges, throwing the box behind the counter of an adjoining room through which he passed on his way ont. As he got to the street door, Dunn caught him by the throat and pushed him np against the outside of the building, and demanded the ballot-box.

Then Dnnn and another person struck him in the face and he fell into the mud, the crowd rushed on him and kicked him on the head and in his sides. In this manner the election was broken up. Dunn and his party obtaining the ballot-

box and carrying it off.

To avoid a similar outrage at the election for State officers, &c., to be held on the 15th of January, 1856, the election of Leavenworth District, was appointed to be held at Easton, and the time postponed until the 17th day of January, 1856. On the way to the election, persons were stopped by a party of men at a grocery, and their guns taken from them. During the afternoon, parties came up to the place of election and threatened to destroy the ballot-box, and were guilty of other After the polls insolent and abusive conduct. were closed, many of the settlers being apprehensive of an attack, were armed in the house where the election had been held until the next morning. Late that night Stephen Sparks, with his son and nephew, started for home, his route running by the store of a Mr. Dawson, where a large party of armed men had collected. As he approached, these men demanded that he should surrender, and gathered about him to enforce the demand. Information was carried by a man in the company of Mr. Sparks to the house where the election had been held. R. P. Brown and a company of men fenceless. A comparison of the facts proven, with immediately went down to relieve Mr. Sparks, the official statements of the officers of the and did relieve him when he was in imminent Government, will show how groundless were danger. Mr. Sparks then started back with Mr. A com- Brown and his party, and while on their way any of its members, against none of whom had a the fire and an irregular fight then ensued, in warrant been issued or a complaint made, who which a man by the name of Cook, of the Prohad resisted no process in the hands of a real or Siavery party, received a mortal wound, and two

Mr. Brown, with seven others who had accom-

of the way, they were stopped and taken prisoners ures of persons and property in the Territory by a party of men called the Kickapoo Rangers, without legal warrant. Your Committees regret under the command of Capt. John W. Martin. They were disarmed and taken back to Easton, and put in Dawson's store. Brown-was separated from the rest of his party, and taken into the office of E. S. Trotter. By this time several of Martin's party and some of the citizens of the place had become intoxicated, and expresed a determination to kill Brown. Capt. Martin was desirous to and did all was in his power to save him. Several hours were spent in discovering what should be done with Brown and his party. In the meantime, without the knowledge of his party, Capt. Martin liberated all of Brown's party but himself, and aided them in their escape. The crowd repeatedly tried to get in the room where Brown was, and at one time succeeded, but were put out by Martin and others. Martin finding that further effort on his part to save Brown was useless, left and went home. The crowd then got possession of Brown and finally butchered him in cold blood, The wound of which he died was inflicted with a hatchet by a man of the name of Gibson. After he had been mortally wounded, Brown was sent home with Charles Dunn, and died that night. No attempt was made to arrest or punish the murderers of Brown. Many of them were well-known citizens, and some of them were officers of the law. On the next Grand Jury which sat in Leavenworth County, the Sheriff summoned several of the persons implicated in this murder. One of them was M. P. Rively, at that time Treasurer of the County. He has been examined as a witness before us. reason he gives why no indictments were found is, "They killed one of the Pro-Slavery men, and the Pro-Slavery men killed one of the others, and I thought it was about mutual." The same Grand Jury, however, found bills of indictment against those who acted as Judges of the Free State election. Rively says, "I know our utmost endeavors were made to find out who acted as Judges and Clerks on the 17th of January last. and at all the bogus elections held by the Abolitionists here. We were very anxious to find them out, as we thought them acting illegally."

Your Committee, in their examinations have found that in no case of crime or homicide, mentioned in the report or in the testimony has any indictment been found against the guilty party, except in the homicide of Clark by McCrea,

McCrea being a Free State man.

Your Committee did not deem it within their power or duty to take testimony as to events which have transpired since the date of their appointment; but as some of the events tended seriously to embarrass, hinder and delay their investigations, they deem it proper here to refer to them. On their arrival in the Territory the people were arrayed in two hostile parties. hostility of them was continually increased during our stay in the Territory by the arrival of armed bodies of men who, from their equipments, came not to follow the peaceful pursuits of life, but armed and organized into companies apparently for war-by the unlawful detention of of ball. In several cases men were arrested in persons and property while passing on their law. State of Missouri, and by frequent forcible selz- ful business through that State, and detained

that they were compelled to witness instances of these classes of ontrages. While holding their session at Westport, Mo., at the request of the sitting Delegate, they saw several bodies of armed men, confessedly citizens of Missouri, march into the Territory on forays against its citizens, but under the pretense of enforcing the enactments before referred to. The wagons of emigrants were stopped in the highways and searched without claim of legal powers, and in some instances all their property taken from them. In Leavenworth City, leading citizens were arrested at noonday in our presence by an armed force, without any claim of authority, except that derived from a self-constituted Committee of Vigilance, many of whom were Legislative and Executive officers Some were released on promising to leave the Territory, and others after being detained for a time were formally notified to leave, under the severest penalties. The only offense charged against them was their political opinions, and no one was thus arrested for alleged crime of any grade. There was no resistance to these lawless acts by the settlers, because, in their opinion, the persons engaged in them would be sustained and reinforced by the citizens of the populous border counties of Missouri, from whence they were only separated by the river. In one case witnessed by your Committee, an application for the writ of habeas corpus was prevented by the urgent solicitation of Pro-Slavery men, who insisted that it would endanger the life of the prisoner to be discharged under legal process.

While we remained in the Territory, repeated acts of outrage were committed upon the quiet, unoffending citizens, of which we received authentic intelligence. Men were attacked on the highway, robbed, and subsequently imprisoned. Men were seized and searched, and their weapons of defence taken from them without compensation. Horses were frequently taken and appropriated. Oxen were taken from the yoke while plowing, and butchered in the presence of their owners. One young man was seized in the streets of the town of Atchison, and under circumstances of gross barbarity was tarred and cottoned, and in that condition was sent to his family. All the provisions of the Constitution of the United States securing person and property are utterly disregarded. The officers of the law, instead of protecting the people, were in some instances engaged in these outrages, and in no instance did we learn that any man was arrested, indicted or punished for any of these crimes. While such offenses were committed with impunity, the laws were used as a means of indicting men for holding elections preliminary to framing a Constitution and applying for admission into the Union as the State of Kansas. Charges of high treason were made against prominent citizens upon grounds which seem to your Committee absurd and ridiculous, and under these charges they are until indictments could be found in the Terri- ous embarrassment to your Committee was the

tory.

These proceedings were followed by an offence of still greater magnitude: Under color of legal process, a company of about 703 armed men, the great body of whom your Committee are satisfied were not citizens of the Territory, marched into the town of Lawrence under Marshal Donaldson and S. J. Jones, officers claiming to act under the law, and bombarded and then burned to the ground a valuable hotel and one private house; destroyed two printing presses and materials; and then being released by the officers, whose posse they claimed to be, proceeded to sack, pillage, and rob houses, stores, trunks, &c., even to the clothing of women and children. Some of the letters thus unlawfully taken were private ones, written by the contesting Delegate, and they were offered in evidence. Your Committee did not deem that the persons holding them had any right thus to use them, and refused to be made the instruments to report private letters thus obtained

This force was not resisted, because in was collected and marshaled under the forms of law. But this act of barbarity, unexampled in the history of our Government, was followed by its natural consequences. All the restraints which American citizens are accustomed to pay even to the appearance of law were thrown off; one act of violence led to another; homicides became frequent. A party under H. C. Pate, composed chiefly of citizens of Missouri, were taken prisoners by a party of settlers; and while your Committee were at Westport, a company, chiefly of Missourians, accompanied by the acting delegate, went to relieve Pate and his party, and a collision was prevented by the United States troops. Civil war has seemed impending in the Territory. Nothing can prevent so great a calamity but the presence of a large force of United States troops, under the commander who will with prudence and discretion quiet the excited passions of both parties, and expel with force the armed bands of lawless men, coming from Missouri and elsewhere, who with criminal pertinacity infest the Territory.

In some cases, and as to one entire election district, the condition of the country prevented the attendance of witnesses, who were either arrested or detained while obeying our process, or deterred from so doing. The Sergeant-at-Arms who served the processes upon them was himself arrested and detained for a short time by an armed force, claiming to be a part of the posse of the Marshal, but was allowed to proceed upon an ex-amination of his papers, and was furnished with a pass signed by "Warren D. Wilkes of South John Upton, another officer of the Carolina." Committee, was subsequently stopped by a lawless force on the borders of the Territory, and after being detained and treated with great indignity was released. He, also, was furnished with a pass algued by two citizens of Missouri, and ad-dressed to "Pro-Slavery men." By reason of these disturbances we were delayed in Westport, so that while in session there our time was but partially occupied.

But the obstruction which created the most seri-

attempted arrest of Gov. Reeder, the contesting Delegate, upon a writ of attachment issued against him by Judge Lecompte to compel his attendance as a witness before the Grand Jury of Douglas County. William Fane, recently from the State of Georgia, and claiming to be the deputy Marshal, came into the room of the Committee while Gov. Reeder was examining a witness before us, and producing the writ, required Gov. Reeder to attend him. Subsequent events have only strengthened the conviction of your Committee that this was a wanton and unlawful interference by the Jndge who issued the writ, tending greatly to obstruct a full and fair investigation. Gov. Reeder and Gen. Whitfield alone were fully possessed of that local information which would enable us to elicit the whole truth, and it was obvious to every one that any event which would separate either of them from the Committee would necessarily hinder, delay, and embarrass it. Gov. Reeder claimed that under the circumstances in which he was placed he was privileged from arrest except for treason, felony, or breach of the peace. As this was a question of privilege, proper for the Courts or for the privileged person alone to determine on his peril, we declined to give him any protection or take any action in the matter. He refused to obey the writ, believing it to be a mere pretense to get the custody of his person, and fearing, as he alleged, that he would be assassinated by lawless bands of men then gathering in and near Lecompton. He

then left the Territory.
Subsequently H. Miles Moore, an attorney in
Leavenworth City, but for several years a citizen
of Weston, Mo., kindly furnished the Committee
information as to the residence of persons voting
at the elections, and in some cases examined
witnesses before ns. He was arrested on the
streets of that town by an armed band of about
thirty men, beaded by W. D. Wilkes, without any
color of authority, confined, with other citizens,
under a military guard for 24 hours, and then
notified to leave the Territory. His testimony
was regarded as important, and upon his sworn
statement that it would endanger his person to
give it openly, the majority of your Committee
deemed it proper to examine him ex parte, and

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did so.

By reason of these occurrences, the contestant and the party with and for whom he acted, were unrepresented before us during a greater portion of the time, and your Committee were required to ascertain the truth in the best manner they could.

Your Committee report the following facts and conclusions as established by the testimony:

"First: That each election in the Territory held under the organic or alleged Territorial'law has been carried by organized invasions from the State of Missouri, by which the people of the Territory have been prevented from exercising the rights secured to them by the organic law. "Second: That the alleged Territorial Legis

lature was an illegally-constituted body, and had no power to pass valid laws, and their enactments

are, therefore, null and void.

" Third: That these alleged laws have not, as

property and to punish wrong, but for unlawful

" Fourth: That the election under which the sitting Delegate, John W. Whitfield, holds his seat, was not held in pursuance of any valid law, and that it should be regarded only as the expression of the choice of those resident citizens who voted for him.

" Fifth: That the election under which the contesting Delegate, Andrew H. Reeder, claims his seat, was not held in pursuance of law, and that it should be regarded only as the expression of the choice of the resident citizens who voted

for him. "Sixth: That Andrew H. Reeder received a greater number of votes of resident citizens than John W. Whitfield, for Delegate,

" Seventh: That in the present condition of the Territory a fair election cannot be held without

a general thing, been used to protect persons and a new census, a stringent and well-guarded election law, the selection of impartial Judges, and the presence of United States troops at every place of election.

Eighth: That the various elections held by the people of the Territory preliminary to the formation of the State Government, have been as regular as the disturbed condition of the Territory would allow; and that the Constitution passed by the Convention, held in pursuance of said elections, embodies the will of a majority of

As it is not the province of your Committee to suggest remedies for the existing troubles in the Territory of Kansas, they content themselves with

the foregoing statement of facts. All of which is respectfully submitted.

WM. A. HOWARD. JOHN SHERMAN.

BORDER RUFFIAN LAWS IN KANSAS.

THE following are among the Enactments of the Territorial Legislature which the Missouri invaders elected for the people of Kansas. We copy from the Territorial laws as officially published:

SLAVES.

An Act to punish offences against slave property.

- § 1. Person raising insurrection punishable with death.
 2. Aider punishable with death.
 3. What constitutes felony.

 - 4. Punishment for decoying away slaves.
 - 5. Punishment for assisting slaves.

 - What deemed grand larceny.What deemed felony.
- § 8. Punishment for concealing slaves. 9. Punishment for rescuing slaves from officer.
 - 10. Pennity on officer who refuses to assist in capturing slaves.
 - 11. Printing of incendiary documents,
 - What deemed a felony.
 Who are qualified as jurors.

Be it enacted by the governor and legislative assembly of the Territory of Kansas, as follows:

SECTION 1. That every person, bond or free, who shall be convicted of actually raising a rebellion or insurrection of slaves, free negroes, or mulattoes, in this Territory, shall suffer death.

SEC. 2. Every free person who shall aid or assist in any rebellion or insurrection of slaves, free negroes, or mulattoes, or shall furnish arms, or do any overt act in furtherance of such

rebellion or insurrection, shall suffer death.

SEC. 3. If any free person shall, by speaking, writing, or printing, advise, persuade, or induce any slaves to rebel, conspire against, or murder any citizen of this Territory, or shall bring into, print, write, publish, or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist in the bringing into, printing, writing, publishing, or circulating in this Territory, any book, paper, magazine, pamphlet, or circular, for the purpose of exciting insurrection, rebellion, revolt, or conspiracy on the part of the slaves, free negroes, or mulattoes, against the citizens of the Territory or any part of them, such person shall be guilty of felony and suffer death.

SEC. 4. If any person shall entice, decoy, or carry away out of this Territory, any slave belonging to another, with intent to deprive the owner thereof of the services of such slave, or with intent to effect or procure the freedom of such slave, he shall be adjudged guilty of grand largeny and, on conviction thereof, shall suffer death, or be imprisoned at hard labor for not less than ten years.

SEO. 5. If any person shall aid or assist in enticing, decoying, or persuading, or carrying away or sending out of this Territory any slave belonging to another, with intent to procure or effect the freedom of such siave, or with intent to deprive the owner thereof of the services of such slave, he shall be adjudged guilty of grand larceny, and, on conviction thereof, shall suffer death, or be imprisoned at hard labor for not less than ten years.

SEC. 6. If any person shall entice, decoy, or carry away out of any State or other Territory of the United States any slave belonging to another, with intent to procure or effect the freedom of such slave, or to deprive the owner thereof of the services of such slave, and shall bring such slave into this Territory, he shall be adjudged guilty of grand larceny, in the same manner as if such slave had been enticed, decoyed, or carried away out of this Territory, and in such case the larceny may be charged to have been committed in any county of this Territory, into or through which such slave shall have been brought by such

person, and on conviction thereof, the person offending shall suffer death, or be imprisoned at hard labor for not less than ten years.

SEC. 7. If any person shall entice, persuade, or induce any slave to escape from the service of his master or owner, in this Territory, or shall aid or assist any slave in escaping from the service of his master or owner, or shall aid, assist, harbor, or conceal any slave who may have escaped from the service of his master or owner, shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term of not less than five years.

SEC. 8. If any person in this Territory shall aid or assist, harbor or conceal any slave who has escaped from the service of his master or owner, in another State or Territory, such person shall be punished in like manner as if such slave had escaped from the service of his

master or owner in this Territory.

SEC. 9. If any person shall resist any officer while attempting to arrest any slave that may have escaped from the service of his master or owner, or shall rescue such slave when in the custody of any officer or other person, or shall entice, persuade, aid or assist such slave to escape from the custody of any officer or other person who may have such slave in custody. whether such slave have escaped from the service of his master or owner in this Territory or in any other State or Territory, the person so offending shall be gnilty of felony and punished by imprisonment at hard labor for a term of not less than two years.

Sec. 10. If any marshal, sheriff, or constable, or the deputy of any such officer, shall, when required by any person, refuse to aid or assist in the arrest and capture of any slave that may have escaped from the service of his master or owner, whether such slave shall have escaped from his master or owner in this Territory, or any State or other Territory, such officer shall be fined in a sum of not less than one hundred nor more than five hundred dollars.

SEC. 11. If any person print, write, introduce into, publish or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist in bringing into, printing, publishing, or circulating within this Territory, any book, paper, pamphlet, magazine, handbill or circular, containing any statements, arguments, opinions, sentiment, doctrine, advice, or innuendo, calculated to produce a disorderly, dangerous, or rebellious disaffection among the slaves in this Territory, or to induce such slaves to escape from the service of their masters, or to resist their authority, he shall be guilty of felony, and be punished by imprisonment and hard labor for a term not less than five years,

Sec. 12. If any free person, by speaking or by writing, assert or maintain that persons have not the right to hold slaves in this Territory, or shall introduce into this Territory, print, publish, write, circulate, or cause to be introduced into this Territory, written, printed, pnblished, or circulated in this Territory, any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold slaves in this Territory, such person shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term of

not less than two years.

SEC. 13. No person who is conscientiously opposed to holding slaves, or who does not admit the right to hold slaves in this Territory, shall sit as a juror on the trial of any prosecution for any violation of any of the sections of this act.

This act to take effect and be in force from and after the fifteenth day of September, A. D., 1855.

ELECTIONS, QUALIFICATION OF VOTERS, &c.

The following are extracts from laws in regard to elections. Read them.

SECTION 5. The county commissioners shall appoint the judges of election, in each county or voting precinct, at least ten days before the election at which they are to act; and if, a the hour for the opening of the polls such judges are not present, then the voters assembled shall have power to elect others to fill the vacancy or vacancies thus occasioned. Said judges shall, before they enter on the discharge of their duties, take the following oath or affirmation, to be administered by one of their own body, by the sheriff, or by any officer authorized to administer oaths: I do swear (or affirm) that I will impartially discharge the duties of judge of the present election according to law and the best of my ability.

SEC. 7. The judges of the election shall appoint two clerks, who, before entering upon the discharge of their duties, shall take an oath or affirmation, to be administered by one of the judges, that they will faithfully discharge the duties of clerk according to law and the

best of their abilities.

SEC. 9. The judges of the election shall open the polls at nine o'clock in the morning and continue them open until six o'clock in the evening: Provided, however, If all the votes offered to be given cannot be taken before the hour appointed for closing the polls, the judges shall, by public proclamation, adjourn such election until the following day, when the polls shall again be opened and the election continued as before; but in no case shall the election be continued beyond the second day.

SEC. 10. It shall be the duty of the sheriff, in person or by deputy, to attend such elec-

tion, and to cry in an audible voice the name of each voter as given in, and to discharge all

other duties imposed on him by law, under the direction of the judges.

SEC. 11. Every free white male citizen of the United States, and every free male Indian who is made a citizen by treaty or otherwise, and over the age of twenty-one years, who shall be an inhabitant of this Territory, and of the county or district in which he offers to vote, and shall have paid a territorial tax, shall be a qualified elector for all elective officers and all Indians who are inhabitants of this Territory, and who may have adopted the customs of the white man, and who are liable to pay taxes, shall be deemed citizens: Provided, The no soldier, seaman or mariner, in the regular army or navy of the United States, shall be entitled to vote, by reason of being on service therein: And provided further, That no person who shall have been convicted of any violation of any provision of an act of Congress, entitled "An act repecting fugitives from justice, and persons escaping from the service of their masters," approved February 12, 1798; or of an act to amend and supple mentary to said act, approved 18th September, 1850; whether such conviction were by criminal proceeding or by civil action for the recovery of any penalty prescribed by either of said acts, in any courts of the United States, or of any State or Territory, of any offence deemed infamous, shall be entitled to vote at any election, or to hold any office in this Territory: And provided further, That if any person offering to vote shall be challenged and required to take an oath or affirmation, to be administered by one of the judges of the election, that he will sustain the provisions of the above recited acts of Congress, and of the act entitled "An act to organize the Territories of Nebraska and Kansas," approved May 30, 1854, and shall refuse to take such oath or affirmation, the vote of such person shall be rejected.

SEC. 12. Every person possessing the qualification of a voter, as hereinabove prescribed, and who shall have resided in this Territory thirty days prior to the election, at which he may offer himself as a candidate, shall be eligible as a delegate to the House of Representatives of the United States, to either branch of the legislative assembly, and to all other offices in this Territory, not other wise especially provided for: Provided, however, That each member of the legislative assembly, and every officer elected or appointed to office under the laws of this Territory, shall, in addition to the oath or affirmation specially provided to be taken by such officer, take an oath or affirmation to support the Constitution of the United States. the provisions of an act ontitled "An an respecting fugitives from justice and persons escaping from the service of their masters," approved February 12, 1793; and of an act to amend among supplementary to said last mentioned act, approved September 18, 1850; and of an act entitled "An act to organize the Territories of Nebraska and Kansas," approved May 80

1854.

SEC. 13. It shall be the duty of the sheriff to have his tax-book, at the place of holding elections, and to receive, receipt for, and enter upon his tax-book, all taxes which may be tendered him on the day of any election,

see 4 detailed and each election, the judges of the election, or any two of them, tall set up the votes year for each candidate, and shall certify the same under their hands, accept of which shall be given to each of the candidates who shall have received the highest number of votes. One of the poll-books they shall, within five days, transmit by some suitable person to the secretary of the Territory. The other poll-book shall be filed in the office of the clerk of the county commissioners, to be kept open to

the inspection of all persons.

SEO. 15. If such returns are not received by the secretary of the Territory, after allowing a reasonable time for the transmission of the same, he shall send a messenger to the district not returned, with instructions to bring up the same, and the judge and clerk shall imme-

diately send one of the poll-books by such messenger.

SEC. 16. As soon after the returns are all received as may be, the secretary of the Territory shall, in the presence of the governor, proceed to cast up the votes given for the respective candidates, and shall give to the person receiving the highest number of votes for delegate to the House of Representatives of the United States a certificate of his election, and to the persons having the highest number of votes in their respective districts, certificates of their election to the legislative assembly. The governor shall issue commissions to the persons respectively receiving the highest number of votes for other offices.

SEC. 17. Within two days after the meeting of the legislative assembly, the secretary of the Territory shall lay before each house a list of the members elected, according to the

returns in his office.

SEO. 18. Should any two or more persons receive an equal number of votes at any election, and a higher number than any other persons, the governor shall immediately issue his proclamation ordering an election to be held for the election of a person to the office so made vacant, and fixing the day of such election. Such election shall be held and returns thereof made as hereinbefore provided.

SEC. 19. Whenever any person shall offer to vote, he shall be presumed to be entitled to

If a vote be rejected, the name of the voter shall be entered on the poll-books as a rejected voter, together with the names of the person for whom such person desired to vote.

SEG. 20. Whenever any person offers to vote, his vote may be challenged by one of the judges or by any voter, and the judges of the election may examine him touching his right to vote; and if so examined, no evidence to contradict shall be received. Or the judges may, in the first instance, receive other evidence; in which event, the applicant may if he desire it, demand to be sworn, but his testimony shall not then be conclusive.

SEG. 21. All judges, clerks and votors shall be free from arrest, except for felony or breach of the peace, in going to, attending on, and returning from elections; and the persons taking the returns shall be free from like arrest in going to and returning from the office of

the secretary of the Territory.

SEC. 22. The judges of election shall preserve good order, and may punish any disorderly person for contempt, summarily, by fine, not exceeding twenty dollars, at their discretion,

and commit the offender to jail until the fine be paid.

SEC. 23. If any person appointed to take the returns of any election to the secretary of the Territory, wilfully fail to take the same in due time, he shall be fined in the sum of one hundred dollars, to be recovered by action of debt in the name of the Territory, or by indictment; in either case the fine to go into the county treasury for the use of the county.

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SENATOR TRUMBULL,

ON THE ISSUES OF THE DAY.

DELIVERED IN CHICAGO, SATURDAY, AUGUST 7, 1858.

Upon being introduced to the people by Hon. N. B. Judd, Judge Trumbull was greeted by hearty cheers. Silence having been restored he

Fellow Citizens :- I am gratified in having an opportunity of laying before so many of my fellew citizens as I see here assembled, my own views in regard to the political questions which have agitated the public mind since I became connected with public affairs. When I entered Congress as one of the Representatives of this State, the great and all-absorbing question which occupied the public mind was the Sla very question. Parties were then organized upon that question, and they have continued so up to this time; and it is in regard to that question that I shall chiefly address you tonight, though not altogether; for, in discussing that question, I desire to bring before you the fact which exists, that all the great powers of this government are subordinate to this one question. I wish to show you how the expenditures of this government are made-how its patronage is used, and how its powers is is exerted for the purpose of encourageing the spread of slavery and the denomination of slave power. [Applause.] In doing this, my fellow citizens, I shall resort to no clap-trap expressions. I wish no person in the audience, or in this State, to act or vote with that party with which I have the honor to act, unless he believes it to be right. I have no false colors to hang out to deceive you, but I wish to lay before you the plain, honest truth, and if that does not commend the party with which I act to your judgments, then I say to you it is your duty to act with some other party; but if, in the course of the observations I have to make, I can show you that a party sailing under false colors pretending one thing and acting another is misleading the public mind, and changing the policy of the government-professing economy,

is guilty of profligacy-professing to love the Constitution, is trampling it under foot, and professing to be Democratic, is the old blackcockade Federal party in disguise-if I can show this to you, then I trust you will abandon such a party as that.

HISTORY AND PROGRESS OF SLAVERY IN THE TERRITORIES.

It will be necessary to devote a few moments -and I shall be very brief upon that point-to a history of the slavery question. This is necessary, because parties dispute as to what each professes. Each of the great parties of the country professes devotion to the Constitution, and each charges upon the other the en-tertaining of views which it denies. When such is the case we must look at the facts, and as intelligent men judge who is right.

When the government was formed, we all know that slavery existed in many of the States, and the government was fermed on the principle of letting the slavery question alone, to be managed by the States in which it existed. But, so far as the federal government was concerned, it took cognizance of this question in the territories of the United States. This is a matter of history. Before the adoption of the Constitution, the Territories which had been ceded to the United States, as they existed under the Articles of Confederation, were governed by what is known as the Ordinauce of 1787. and that Ordinance, as you well know, excluded slavery from all the territory which then belonged to the United States. When the Constitution was formed, shortly afterward, this subject was left in the same condition in which the convention found it

This policy continued to exclude slavery from all the Territories of the United States, for many years When North Carolina and Georgis ceded the western territory belonging

those States to the United States, it was so well understood that the federal government would abolish slavery in the territories which they ceded, unless there was a provision against it. that such a clause was inserted in the deed of cession.

I state this on this occasion to show that some other object was designed than that which is now professed in the repeal of the Missouri Compromise. The policy of the country down to 1854 was to keep the Territories free. Then a new policy was inaugurated. Now what was the theory upon which the Missouri Compromise was repealed? I will state it as fairly as I know how, for the benefit of those who effected that repeal. Did they not tell us that the Mis souri Compromise was repealed for the purpose of conferring upon the people of the Territory the right of self government and Popular Sov erignty? Wasn't that the avowed reason? Cries of "Yes, ves," Well, if it was for that reason, has not that reason been totally abandoned? ["Yes, yes; that's so." It is true that was the reason, and it was said by those who brought about that repeal that the people of a Territory should have the same right to regulate their domestic affairs as the people of a State, and I remember to have heard the position stated in this form: "Are you not capable of governing yourselves in the State of Illinois, and do you lose your senses, so that you can't govern yourselves, the moment you pass over the line of a State into a Territory? you not as capable of governing yourselves there as here?" This was the form in which the question was stated, and the appeal was made to all the people of the Free States to indorse the repeal of the Missouri Compromise, upon the ground and the ground alone, of leaving the people of the Territory free to regulate their own domestie affairs in their own way. This was the doctrine professed until the Cincinnati Convention met, in 1856-I mean professed in the North, for it never was the doctrine avowed by the South. When that convention met they passed a resolution declaring that the people of each Territory should have the right to determine their own domestic institutions. including slavery, when they came to form a State Government.

Here the idea was first started that they should have the right, when they formed a State government. Was that ever in contro-versy? [Cries of No.1 No.1] Never! Did any one ever pretend that anybody could form a constitution for the people of a State except the people of a State themselves? The people of a Territory cannot by themselves put a State constitution in operation. The constitution which they form has no effect-is not approved-until they are admitted into the Union as a State. You all know this, Minnesota formed a constitution, but did it come into force before she was admitted as a State? Oregon form.

ed a constitution, and yet it is not a State. Kansas has had half a dozen constitution and is not yet a State. [Cheers and laughter.]

Here is the change which the repealers of the Missouri Compromise have made in their professions. They all professed, at the time the Missouri Compromise was repealed, to believe that slavery would not go into Kansas. We who were opposed to the repeal of that law. which excluded slavery from Kansas while a Territory, told them the effect would be to open Kansas to slavery, and slavery would go there. They said it was no such thing-it was a slauder upon them, for they were as much opposed to slavery as any one-that it was "an abolition lie"-that slavery would never go there, and the Missonri Compromise was not repealed for any such purpose. This was the profession.
[Cries of True! True!]

What did we say further? We said slavery would be introduced, and when slavery got into the Territory it would be difficult get it out. This they denied What now has been the practical effect? The moment the Missouri Compromise was repealed slavery did go into Kansas—it is there to-day. That is the truth, which cannot be denied. After slavery got there did the people have a right to exclude it? did the people have a right to do anything? You are too familiar with the history of Kansas to require that I should go over it to night; but you all know that so far from the people of Kansas having the right to regulate their own affairs on the subject of slavery, at the very first election which was held the settlers were driven from the polls, and a legislature was elected for them, and what did it do? That legisla ture passed a law punishing a man with chains and the penitentiary who should say slavery did not exist in Kansas. If a man merely avowed such to be his opinion he subjected himself to the penitentiary. That legislature, when it met, imposed unconstitutional laws up on the people of Kansas-provided for the perpetuation of its power-appointed its officers for years -took the control of all the affairs of the Territory, and backed up by the United States army, a perfect despotism, was forced upon a people who, it was said, had had conferred upon them the great principles of self-government Loud applause and popular sovereignty. These are the facts,

Let us follow this history along a little further. In process of time it was supposed Kan. sas would wish to be edmitted into the Union as a State. Her people, you remember had formed one constitution, known as the "Topeka Constitution," established a free State. was necessary to meet this with something, and a bill was prepared in the Senate by Mr. Douglas, authorizing the people of Kansas to hold a convention and form a constitution. Several amendments were offered to that bill. Among others an amondment was offered by

Mr. Toombs, of Georgia, and that bill subse. quently passed the Senate. Now, fellow citi. zens, I make the distinct charge that there was a preconcerted arrangement and plot entered in. to by the very men who now claim credit for opposing a constitution not submitted to the people-to have a constitution formed and put in force without giving the people an opportu. nity to pass upon it. (Great app ause.) This, my friends, is a serious charge, but I charge it to-night, the very men who traverse the conn. try under banners proclaiming popular sover. eignty, by design, concected a bill on purpose to force a constitution upon that people. evidence to prove the charge I make I have brought along with me, (Applause,) because a charge of a serious character like this might be controverted by the men who claim credit for popular sovereignty, unless I brought the evidence with me. I hold in my hand the bill brought into the Senate of the United States by Mr. Toombs, on the 25th of June 1856, contain. ing a clause requiring the constitution which the convention should form, to be submitted to the people for their ratification or rejection. The bill was referred to the Committee on Ter ritories in the Senate of the United States, of which Judge Douglas is chairman. Judge Douglas, five days afterwards, reported back the bill I hold in my hand, making various alterations in the bill. and, among others, stri. king out the clause requiring the constitution to be submitted to the people, and he stated that on consultation with Mr. Toombs, he had made these alterations. (Tremendous applause.)

A Voice-To whom did he make the state-

MR. TRUMBULL-He made it in the Senate of the United States, and it is reported in the Con. gressional Globe.

A Voice-what did Douglas sav?

MR. TRUMBULL-What did he say? He was silent as the grave and voted for the bill. plause.) It passed the Senate but was defeated in the House. Mind you now, this was before the Presidential election. (Cheers and laughter.) It was before the thunders of the Freemont vote had rolled down to Washington and frightened the men that were there. (Applause.) It was before the people of Illinois had swept the plunderers from the State Capitol and installed in their places free men and the friends of free men. (Renewed applause.) It would not do to risk that policy much longer. (Laughter and applause).

PROOF OF THE CONSPIRACY.

We substitute the following from Judge Trumbull's Alton speech, delivered Aug. 26th; in lieu of what he adduced on the same subject in his Chicago speech. It is perfectly over-Whelming :

Now, the charge is that there was a plot enter. ed into to have a Constitution formed for Kansas, and put in force without giving the people an opportunity to pass upon it, and that Mr. Douglas was in the plot. This is as susceptible of proof by the record as is the fact that the State of Minnesota was admitted into the Union at the

last session of Congress.
On the 25th of June, 1856, a bill was pending in the United States Senate to authorize the people of Kansas to form a Conttitution and come into the Union. On that day Mr. Toombs offered an amendment which he intended to propose to the bill, which was ordered to be printed and, with the original bill and other amendments, recommitted to the Committee on Territories, of which Judge Douglas was chair. man. This amendment of Mr. Toombs, printed by order of the Senate, and a copy of which I have here present, provided for the appointment of commissioners who were to take a tensus of Kansas, divide the territory into election districts, and superintend the election of delegates to form a Constitution, and contains a clause in the 13th section which I will read to you, requiring the Constitution which should be formed to be submitted to the people for adoption. It reads as follows :

"That the following propositions be and the same are hereby offered to the said Convention of the people of Kansas, when formed, for their free acceptance or rejection, which, if accepted by the Convention, AND RATIFIED BY THE PEOPLE AT THE ELECTON FOR THE ADOPTION OF THE CON-STITUTION, shall be obligatory on the United States, and upon the said State of Kansas," etc.

It has been contended by some of the newspaper press, that this section did not require the constitution which should be formed to be submitted to the people for approval, and that it was only the land propositions which were to be submitted. You will observe the lan guage is that the propositions are to be "ratified by the people at the election for the adoption of the Constitution." Would it have been possible to ratify the land propositions "AT THE ELECTION FOR THE ADOPTION OF THE CONSTITUTION," unless such an election was to be held?

When one thing is required by a contract or law to be done, the doing of which is made dependent upon and cannot be performed without the doing of some other thing, is not that other thing just as much required by the contract or law as the first? It matters not in what part of the act, nor what phraseology the intention of the Legislature is expressed, so you can clearly ascertain what it is; and whenever that intention is ascertained from an examination of the language used, such intention is part of and a requirement of the law. Can any candid, fair-minded man read the section I have quoted, and say that the intention to have the Constitution which should be formed submitted to the people for their adoption is not clearly expressed? In my judgment there can be no controversy among honest men upon a proposition

so plain as this. Mr. Douglas has never pretended to deny, so far as I am aware that the Toombs amendment, as originally introduced. did require a submission of the Constitution to the people. This amendment of Mr. Toombs was referred to the committee of which Judge Douglas was chairman, and reported back by him on the 30th of June, with the words, "And ratified by the people at the election for the adoption of the Constitution" STRICKEN OUT. I have here a copy of that bill as reported back by Mr. Douglas to substantiate the statement I make. Various alterations were also made in the bill to which I shall presently have occasion to call attention. There was no other clause in the original Toombs bill requiring a submission of the Constitution to the people, than the one I have read, and there was no clause whatever after that was struck out in the bill, as reported back by Judge Douglas,, requiring a submission. I will now introduce a witness whose testimony cannot be impeached, he acknowledging himself to have been one of the conspirators and privy to the fact about which he testifies. Senator Bigler, alluding to the Toombs bill, as it was called, and which, after sundry amendments, passed the Senate, and to the propriety of sub. mitting the Constitution which should be fermed to vote of the people, made the following statement in his place in the Senate, December 9th, 1857. I read from Part I, Cong. Globe of last session, p. 21:

"I was present when that subject was discussed by Senators, before the bill was introduced, and the question was raised and discussed, whether the Constitution, when formed, should be submitted to a vote of the people. It was held by the most intelligent on the subject, that in view of all the difficulties surrounding that Territory, the danger of any experiment at that time of a popular vote, it would be better that there should be no such provision in the Toombs Bill; and it was my understanding, in all the intercourse I had, that that convention would make a Constitution and send it here without submitting it to the popular view."

In speaking of this meeting again on the 21st December, 1857 (Congressional Globe, same vol., page 113.) Senator Bigler said:

"Nothing was farther from my mind than to allude to any social or confidential interview. The meeting was not of that character. Indeed, it was semi-official and called to promote the public good. My recollection was clear that I left the conference under the impression that it had been deemed best to adopt measures to admit Kansas as a State through the agency of one popular election, and that for the delegates to the convention. This impression was the stronger, because I thought the spirit of the bill infringed upon the doctrine of non-intervention, to which I had great aversion; but with the hope of accomplishing a great good, and as no movement had been made in that direction in the territory, I waived this objection, and concluded to support the measure. I have a few items of testimony as to the correctness of these impressions, and with their submission I shall be content. I have before me the bill reported by the Senator from Illimission of Kansas as a State, the third section of which roads as follows:

That the following propositions be, and the same are hereby officred to the said convention of the poople of Kansas, when formed, for their free acceptance or rejection; which if secepted by the convention, and ratified by the people at the election for the adoption of the Constitution, shall be obligatory upon the United States and the said State of Kansas.

The bill read in place by the Senator from Georgia, on the 25th of June, and referred to the Committee on Torritories, contained the same section word for word. Both these bills were under consideration at the conference referred to; but, sir, when the Senator from Illinois reported the Toombo bill to the Senate, with amendments, the next morning, it did not contain that portion of the third section which indicated to the Convention that the Constitution should be approved by the people. The words 'AND RATIFED BY THE FEDPLE AT THE ELECTION FOR THE ADOPTION OF THE CONSTITUTION,' had been stricken out.'

I am not now seeking to prove that Judge Donglas was in the plot to force a constitution upon Kansas without allowing the people to vote directly upon it. I shall attend to that branch of the subject by and by. My object now is to prove the existence of the plot, and I ask if I have not already done so? Here are the facts: The introduction of a bill on the 7th of March, 1856, providing for the calling of a convention in Kansas to form a State Constitution, and providing that the Constitution should be submitted to the people for adoption; an amendment to this bill, proposed by Mr. Toombs, containing the same requirement; a reference of these various bills to the Committee on Territories; a consultation of Senators to determine whether it was advisable to have the constitution submitted for ratification : the determination that it was not advisable; and a report of the bill back the next morning, with the clause providing for the submission stricken Could evidence be more complete to establish the first part of the charge I have made, of a plot having been entered into by somebody, to have a constitution adopted without submitting it to the people? Now for the other part of the charge, that Judge Douglas was in the plot, whether knowingly or ignorantly, is not material to my purpose. The charge is that he was an instrument co-operating in the project to have a constitution formed and put in operation without affording the people an oppor-tunity to pass upon it. The first evidence to sustain the charge is the fact that he reported back the Toombs amendment with the clause providing for the submission stricken out. This, in connection with his speech in the Senate, on the 9th of December, 1857, (Congressional Glebe, Part 1, page 15,) wherein he stated-

"That fduring the last Congress I [Mr. Douglas], reported a bill from the Committee on Territories, by authorize the people of Hansas to assemble and form a constitution for themselves. Subsequently the Scienter from Georgia [Mr. Toomba] brought forward a

substitute for my bill, which, AFTER HAVING BEEN MODIFIED BY HIM AND MYSELF IN CONSUL-

TATION, was passed by the Senate.'

this, of itself, ought to be sufficient to show that my colleague was an instrument in the plot to have a constitution put in force without submitting it to the people; and to forever close his mouth from attempting to deny it. No man can reconcile his acts and former declarations with his present denial, and the only charitable conclusion would be that he was being used by others without knowing it. Whether he is entitled to the benefit of even this excuse, you must judge on a candid hearing of the facts I shall present. When the charge was first made in the U. S. Senate, by Mr. Bigler; that my colleague had voted for an Enabling Act which put a government in operation without submitting the constitution to the people, my colleague (Congressional Globe, last session, Part 1, page 21,) stated:

"I will ask the Senator to show me an intimation, from any one member of the Senate, in the whole debate on the Toombe bill, and in the Union, from any quarter, that the constitution was not to be submitted to the people. I will venture to say that on all sides of the chamber it was so understood at the time. If the opponents of the bill had understood it was not, they would have made the point on it; and if they had made it, we should certainly have yielded to it, and put in the clause. That is a discovery made since the President found out that it was not safe to take it for granted that that would be done, which

ought in fairness to have been done."

I knew, at the time this statement was made, that I had urged the very objection to the Toombs bill, two years before, that it did not provide for the submission of the constitution. You will find my remarks, made on the 2d of July, 1856, in the appendix to the Congressional Globe of that year, p. 179, urging this very objection. Do you ask why I did not expose him at the time? I will tell you. Mr. Douglas was then doing good service against the Lecompton iniquity. The Republicans were then engaged in a hand to hand fight with the National Democracy, to prevent the bringing of Kansas into the Union as a Slave State against the wishes of the inhabitants, and of course I was unwilling to turn our guns from the common enemy to strike down an ally. Douglas, however, on the same day and in the debate, probably recollecting or being reminded of the fact, that I had objected to the Toombs bill when pending, that it did not provide for a submission of the constitution to the people, made another statement which is to be found in the same volume of the Globe, page 22, in which he says;

"That the bill was silent on the subject was true, and my attention was called to that about the time was was passed; and I took the fair construction to be, that powers not delegated were reserved, and that of course the constitution would be submitted to the

people."

Whether this statement is consistent with the statement just before made, that had the point

been made it would have been yielded to, or that it was a new discovery, you will determine; £r, if the public records do not convict and condemn him, he may go uncondemned, so fer as I am concerned. I make no use here of the testimony of Senator Bigler to show that Joge Douglas must have been privy to the consultation held at his house, when it was determined not to submit the constitution to the people, because Judge Douglas denies it, and I wish to use, his own acts and declarations, which are abundantly sufficient for my purpose.

I come to a piece of testimony which disposes of all the various pretences which have been set up for striking out of the original Toombs proposition the clause requiring a submission of the constitution to the people, and shows that it was not done either by accident, by inadvertence, or because it was believed that the bill being silent on the subject, the constitution would necessarily be submitted to the people for approval. What will you think, after listening to the facts already presented, to show that there was a design with those who concocted the Toombs bill as amended, not to submit the constitution to the people, if I now bring before you the amended bill as Judge Douglas reported it back, and show that the clause of the original bill requiring submission. was not only struck out, but that other clauses were inserted in the bill putting it absolutely out of the power of the convention to submit the constitution to the people for approval, had they desired to do so? If I can produce such evidence as that, will you not all agree that it clinches and establishes forever all I charged at Chicago, and more too?

I propose now to furnish that evidence. It will be remembered that Mr. Toombe' bill provided for holding an election for delegates to form a constitution under the supervision of commissioners to be appointed by the President, and in the bill, as reported back by Judge Douglas, these words, not to be found in the original bill, are inserted at the close of the 11th

section, viz:

"And until the complete execution of this act, no other election shall be held in said Territory."

This clause put it out of the power of the convention, had it been so disposed, to rubmit the constitution to the people for adoption; for it absolutely prohibited the holding of any other election than that for the election of delegates till that act was completely executed, which would not have been till Kansas was admitted us a State, or at all events, till her constitution was fully prepared and ready for submission to congress for admission. Other amendments reported by Judge Douglas to the original Toombs bill, clearly show that the intention was to enable Kansas to become a State without any further action than simply a resolution of admission. The amendments proved by M.

Douglas, that "until the next Congressional apportionment, the said State shall have one representative," clearly shows this, no such pro vision being contained in the original Toombs bill. For what other earthly purpose could the clause to prevent any other election in Kansas, except that of delegates, till it was admitted as a State, have been inserted, except to prevent a submission of the constitution, when formed, to the people? The Toombs bill did not pass in the exact shape in which Judge Douglas reported it. Several amendments were made to it in the Sepate. I am now dealing with the action of Judge Douglas as connected with the bill, and speak of the bill as he recommended it. The facts I have stated in regard to this matter appear upon the records, which I have here present to show to any man who wishes to look at them They establish, beyond the power of controversy, all the charges I have made, and show that Judge Douglas was made use of as an instrument by others, or else knows ingly was a party to the scheme to have a government put in force over the people of Kansas, without giving them an opportunity to pass That others, high in position in the so-called Democratic party, were parties to such a scheme as is confessed by Gev. Bigler; and the only reason why the scheme was not carried out, and Kansas long ago forced into the Union as a Slave State, is the fact that the Republicans were sufficiently strong in the Honse of Representatives to defeat the measure. I know there is a class of men so governed by prejudice and trammeled by party ties, that, with all this evidence before them, they will turn away, and without being able to controvert or meet the facts, coolly declare it all false. There is no reasoning with or convincing such men, who are ready to deny the evidence of their own senses in order to serve a party purpose. Some persons seem to suppose they have only to deny certain facts, no matter how well established, and that will disprove them.

I shall not weary you by reading further from the record of Judge Douglas, but will refer to a few well known facts disclosed in his political history. A few years ago he proclaimed the Missouri Compromise a sacred thing, which no hand was ruthless enough to disturb. Shortly afterwards, his was the hand stretched for h to abolish it. In January, 1854, be stated, in a written report, that the repeal of the Missouri Compromise in the organization of Nebraska would be a departure from the Compromise measures of 1850 'In less than sixty days afterwards, he inserted a provision in the Nebraska bill declaring the existence of the Missouri Compromise inconsistent with the legislation of 1850. In 1854, after the repeal of the Missouri Compromise, he declared that the people of Kansas had the right, WHILE IN A TERRITORIAL CONDITION, to regulate the subject of slavery for themselves. Now

he indorses the object dieta decisions of the Supreme Court, declaring that neither Congress nor the people of a territory have the right to exclude slavery. To show you how fully he indorses the dieta in the Dred Scott case, I will read you an extract from his speech, delivered in Springfiell, June 12, 1857. Alluding to the opinions of the Judges, he said:

"The court did not attempt to avoid responsibility by disposing of the case upon technical points, without touching the merits; nor did they go out of the way to decide questions not properly before them, and directly presented by the record. Like honest and conscientious judges, as they are, they met and decided each point as it arose, and faithfully performed their whote duty, and nothing but their duty, to the country, by determining all the questions in the cases, and nothing but what was essential to the ducision of the case upon its merits."

To show how completely the opinions of the Judges in the Dred Scott case uproot everything like popular sovereignty in a territory, I will read a single sentence from the opinion of the court, as pronounced by Judge Taney. After stating that Congress had no power under the constitution to exclude slavery from a territory, Ludge Taney save.

Judge Taney savs:

"If Congress itself cannot do this—if it is beyond
the powers conferred on the Federal Government—it
will be admitted, we presume, that it could not authorise a territorial government to exercise them. It
could confer no power on any local government, established by its authority, to violate the provisions of the
constitution."

The idea of sustaining popular sovereignty in a territory and the doctrines of the Dred Scott decision in the same breath, is so utterly inconsistent that one or the other had to be abandoned; hence we now find Judge Douglas contending that popular sovereignty means the right of the people of a territory, when they come to form a State, to regulate their own affairs—a right never denied by any one.

THE DESPOTISM AT WASHINGTON.

The power which was then inaugurated is using all the departments of this government, not merely to extend slavery into Kunsas, and bring it in a slave State, but to make all the interests of this great country subordinate to the slave power, and the despotism of Washington is almost as cruel as that which has prevailed in Kansas. There is not holding office, throughout this vast country, a single man who is known to entertain views in opposition to the right to take slaves into free territories. an utter disqualification for office. All the departments at Washington are organized upon the plan of proscribing men who believe slavery should be excluded from the free territories. All the committees in Congress-or all important ones-which mature the business for the action of Congress, are under the control of this same power. The Supreme Court is under the control of this same power.

You all recollect the case which excited the whole country two years ago, when a Senator

of the United States was struck down and beaten nearly to death in his seat in the Senate Chamber, for attering his honest sentiments in opposition to this elavery propagandism. worse state of things than that exists to-day. The gentleman who was thus stricken down in the vigor of manhood, and has been suffering with anguish and pain and torture, from blows inflicted upon him unawares, and without notice-that gentleman, now just able to walk, has since made his appearance in the Senate Chumber, having been re elected by the people of the State of Massachusetts, and when he comes there and rises with difficulty from his chair, two years after the act was done, for which some may plead the excuse that it was done under excitement-I say now, the very men in the interest of this power, affect to treat him with contempt. (Cries of shame shame.) Would you believe it? Not a Northern Senater belonging to this pro-slavery party dares even speak to him, lest he offend his Southern associate! Yes, during the last session of Congress, when upon one occasion it was stated in the Senate that the Senator from Massachusetts had paired off with some other member, who was also indisposed, a sneer of contempt was observed through the chamber at the idea of his indisposition, and the leaders of the pro-slavery Democracy affect to believe that it is a pretense on the part of a man who has been suffering these two years. In my judgment the world has never seen exhibited such refined malignity and cruelty as this attempt to treat with scorn that suffering man. This is worse, a thousand fold, than the spirit which under excitement could strike the blow, for this is premeditated and continued malice. (Loud applause. A voice: Three cheers for Sumner. The cheers were given heartily.)

I mention this, my fellow citizens, to show the condition of things at Washington. Let me tell you another fact. I went as your representative three years ago to Washington, almost an entire stranger, never having met more than two or three members of the Senate in my life. I remained there as one of the representatives of this State through two sessions of Congress, sent there to consult with the representatives of other co-equal States for the best good of a common country, and for those two years was not placed on a committee which ever met. Republican Senators were not consulted-we were ignored by this proscriptive, intolerant party that made adhision to the slave power the only test by which they allowed a person t) take part in the proceedings of government, wherever they could prevent it.

A little different state of things prevailed after the Fremont election in 1856. But let me tell you how it is now. The committees were organized anew at the commercement of the nast session of Congress, and I have with me a list of them. On looking at it, you will find

that all the leading committees are not only entirely in the interest of this pro slavery party, but are controlled by Southern men. The Committee on Foreign Relations is one of the most important. It is presided over by Mason of Virginia, and a majority of that Committee are from the Southern States. The Committee on the Judiciary is presided over by Bayard of Delaware, and a majority of that Committee are from the S uthern States. The Committee on Naval Affairs is presided over by Mallory of Florida, and a majority of that Committee are from the Southern States. The Committee on Military Affairs is presided over by Davis of Mississippi. On Post Offices by Yulee of Florida. The Committee on Finance by Hunter of Virginia. Southern men are at the head of all those committees. That on Commerce is presided over by Clay of Alabama-that on Indian Affairs by Sebastian of Arkansas. I believe there are one or two other committees besides that on Territories of which Mr. Douglas is the Chairman, the chairmanship of which is given to the North; perhaps the Committee on Enrolled Bills, or something of that kind. Now the Northern or free States constitute a majority, and you see how powerless they are in the business of the Senate.

THE DRED SCOTT DECISION.

Now what did this partydesign by the policy inaugurated in 1854? I have shown you how they have gone on step by step, advancing first one opinion then another and another, until they have got slavery into Kausas; ceuying first the power of Congress to exclude it, then denying the power of the people of a territory, while in a territorial condition, to exclude it. Next they will deey the power of the people when they form a State ounstitution to exclude it, and that such is the next step to be taken is manifest from the Dred Scott decision.

I wish, fellow citizens, to get before you, if I can, a clear idea of that Dred Scott decision, and what it decided in that case. The case was this: A man by the name of Dred Scott brought a suit for his freedom in the United States Court in Missouri, on the ground that he had been taken by his master to Rock Island, in this State, and here held for some time; and afterwards taken to Fort Snelling, Minnesota, which was then a territory and part of the Louisiana purchase, from which slavery was excluded by the Missouri Compromise; and he insisted that by virtue of the laws of Illinois, and the laws of the territory in which he was at Fort Snelling he was a free man. The defense set up this plea: Toat Dred Scott was a negro. descended from parents who were imported from Africa and held as slaves, and being such negro, he had no authority to sue in the United States Courts, and therefore the court had no jurisdiction over the case. Now the defendant didn't set up that Dred Scott was a slave, mit.d you.

He said he was a negro descended from wave

A Voice-That's a nigger up there, too.

MR TRUMBULL-I presume the person that made that remark belongs to the African Democracy, and is in the habit of calling out "Nigg r" to everybody else, while he is hugging a nigger under each arm. (Great cheers and laughter) I have heard of just such men before, and they are in the habit of calling out "Woolly head," "Abolitionist," "Nigger,"such epithets being the only arguments they have. Now, I want to expose that man.

ANOTHER VOICE—He's not a man—let him

MR. TRUMBULL-I want to hold him up before this audience, and in doing so will expose a numerous class like him. He is one of your Douglas men, I take it. I will hold him up here and let you see him with the woolly heads around him. I will expose him in all his nakedness. This is just as good a place to expose the hypocrisy of that class of men as anywhere. See if I do not state him fairly. He is one of those who believe in the Dred Scott doctrinethe right to take slaves into a territory, and eries out at the same time, "Popular sover-eignty!" (Cheers and laughter.) He goes down into Mississippi and North Carolina, where he owns a quantity of negroes and marches up to Kansas. He is going to emigrate there and some of his negroes are as black as the Africans with flat noses, thick lips and woolly heads, and some are a little whiter. (laughter.) and some are mulattoes, and some of them are so white you can hardly distinguish the negro blood in them. (Laughter.) Well. he marches up to Kansas, and when he gets up to the line, the free white men meet him there and say, . We do not want you to bring those miggers here-we don't want that population here in Kansas, and have resolved it shall not come here." But he answers, "I am for popular sovereignty, and the Dred Scott decision. and I will introduce my negroes, and you are woolly heads. (Laughter.) You are abolitionists, you are negro-worshipers!" And here he has his whole drove of negroes of all sorts of blood around him, and calls free white men, who want nothing to do with negroes, woolly heads. Pretty subject to talk about amalyamation with his breeds of pegroes with every vind of blood in their veins. (Laughter.) He wants to introduce them in among free white men, and they say they will have none of his negroes. Talk about popular sovereignty and negro-worshipers! when every free white man in Kansas stands on the border and says, "You cannot come in here with your negroes." You shout "popular sovereignty," "squatter sover- slavery from a territory. I treat that decision in spite of its inhabitants. (Laughter.) That other case. I have no scruples in assailing the is the position your class of men occupy. I infailibility of men who wear gowns, any more

have done with you, sir, and will now turn to the Dreu Scott decision. (Vociferous applause.)

That is the kind of argument that our opponents have. (He's used np.) I was about to explain to you what the plea set up was. What did the Supreme Court decide? They decided that a person of the character described in the plea had no authority to bring suit in the United States Court, and they dismissed the case for want of jurisdiction, stating that the court had no authority to enter any judgment in the case because a negro had no right to sue in that court. Now, was not that the end of the case? It ought to have been the end, but for political reasons the judges gave their opinions separately upon the authority of Congress to exclude slavery from the country in which Fort Snelling was located, which was unnecessary to the decision. The result of the case did not determine whether Dred Scott was a slave or a free man, and the question of the authority of Congress to pass the law excluding slavery from the territory north of 36 deg. 30 min. was not involved; because, if the negro could have derived his freedom from being in a region of country where slavery was prohibited by law he had it by residing at hock Island. The State of Illinois had abolished slavery, and if the fact of his having been brought within a free jurisdiction gave him freedom he had it by residing in this State. But the judges, for political purposes, go on and express their opinions concerning the authority of Congress and a territorial legi-lature to pass laws excluding slavery from a territoty-such opinions are extra-judicial and of no binding force. I state this for the benefit of that class of citizens who are very much disinclined to make any attack upon the decision of a court. These are opinions of the judges, separately given upon questions not before them, and are they not to be censured for going out of the case to express such opinions? ("Yes, yes.") There is no importance in these opinions, as judical decisions, at all, and they are only important in this respect: they have been adopted by the great Democratic party, so called, as a part of its creed, and Mr. Buchanan says that slavery exists in Kansas and Nebraska as effectually as it does in South Carolina and Georgia, under these opinions. Hence it becomes very important to look to the opinions of these judges, as pointing out the creed of the party which is now in power, and which they are endeavoring to force upon the country. I should have no gort of respect for such a decision in any event, if there had been a decision of the court upon the point, when directly before them, that Congress had no authority to pass a law excluding eignty!" and under Dred Scottism declare you in the particular case as binding, but I would will force your mixed breeds into the territory treat it with atter contempt as applied to any than I have those who wear crowns. (Cries of "Good, good!" "That's right!" and great cheers.) Despotism is despotism, whether practiced by crowned heads or by men clothed in gowns. (Renewed cheers.) I am not ashamed to appeal from the obiter dicta opinions of supreme judges, subversive of the constitution.

Fellow citizens, I acknowledge a power higher than presidents, higher than Congresses, higher than supreme courts, and to that power, whose name is the people, I will appeal. (Tremendons cheering.) The people make presidents and courts and when tyranny takes possession of those they have placed in power, the people, who are sovereigns and who are above all their servants, will take the power into their own hands, ("Good, good!" That's so,") The Supreme Court of the United States had repeatedly decided, prior to the Dred Scott case, that Congress had power to pass laws governing the territories. When it was presided over by Marshall, the court held that in the government of the territories, Congress possessed the combined power of the State and Federal Gove ernment. Those people who talk to us about appealing from the decision of the courts to a popular assembly, what have they done? Why, over here at Cincinnati, when they met to lay down their creed and declare what they were for, they said in so many words, that Congress had no power to establish a national bank. The Supreme Court had decided that Congress had the power. Where was their reverence for it then? (Applause and laughter.) They cannot appeal from the decision of the court to the people, the source of all power, but they can appeal to this Convention in Cincinnati! I will not undertake to describe that Convention; Col. Benton once described it. (Laughter.) I would sooner have the decision of the people than of such a set of men.

But, fellow citizens, the self-styled Democracy not only set at naught a decision of the Court in their party platform, but while professing such devotion to the Court, and to believe that a Court can do no wrong, they have made it a part of their creed that a single State has the authority to set aside the decision of the Court, of Congress and the Executive. Do you recollect the resolutions at Cincinnati? I believe I have them here. One of the resolutions adopted declares-

"That the Democratic party will faithfully abide by and uphold the principles laid down in the Kentucky and Virginia Legislatures, in 1798, and in the report of Mr. Madison to the Virginia Legislature in 1799; that it adopts those principles as constituting one of the main foundations of its political creed, and is resolved to carry them out in their obvious meaning and import."

Do you remember what resolutions these were? They were the nullification resolutions. Laughter.] Here is one of them: this was in the Kentucky Legislature in 1798:

Resolved, That this government, created by this compact [the Constitution], was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion and not the constitution the measure of its powers; but that, as in all cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as mode and measure of redress.

In Nov. 1799, the Kentucky Legislature re-

affirmed the principle of these resolutions, and added the following:

"That the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of the infraction; and that nullification by those sovereignties of all unauthorized acts, done under color of that instrument, IS

THE RIGHTPUL REMEDY.

Nullification by a State which has the right to judge for itself of the infractions of the constitution, is the rightful remedy! Now look at these men coming up to charge the Republican party with a great sacrilege in assailing the obiter dicta opinions of the Suprome Court, and at the same time pledging themselves in their party platform to the right of any State to determine at its pleasure and for itself what the constitution means, in deliance of a decision of the Supreme Court and the Executive, and to nullify an act of Congress which both sustain. (That's it; good, good.) This is the consistency they exhibit when they make as-saults upon us. But, fellow citizens, if we are required to submit to the decisions of the Supreme Court, as to the authority of Congress to exclude slavery from a territory, and if it be. true that the people of a territory have no authority, as the Judges of the Supreme Court, in the Dred Scott opinion, say-if the people of the territory, while in a territorial condition have no power to exclude slavery from their midst, has not that court the same right to decide whether a State may exclude slavery? Look whither this doctrine tends to. If neither the Congress nor the people can exclude slavery from a territory because the Constitution of the United States is the paramount law of the land and carries slavery with it, then the States cannot exclude slavery, because the Constitution of the United States is the paramount law. of the land in the States as well as the territories, and if there is anything in that instrument which extends slavery into the territories, the same provision must extend it into the States. also. Well, suppose the Supreme Court decide as they are bound to decide if they carry out the doctrine they have announced in the Dred Scott case, that by virtue of the constitution slavery is extended into all the free States of this Union, are these gentlemen prepared to submit to that? [Cries of no, no] You are just as much bound to submit to it as to this opinion that carries slavery into the territories, and the man who defends the one must sustain the other. That is the necessary consequence of the doctrine laid down.

There is now a case pending, known as the the expenses of the government, exclusive of ably hear again from the Supreme Court of the der the constitution, slavery goes into all the States of the Union. That instrument which our fathers made for securing the blessings of liberty is thus perverted by the decision of this court, to become an instrument for the spread of slavery, against the will of the people. This necessarily results from the doctrine already advanced, if acquiesced in and carried out to its legitimate consequences.

THE PUBLIC EXPENDITURES

But I find I am spending so much time upon this slavery question, that I am becoming somewhat hoarse, and as I wish to say something to you in regard to the expenditures of the government, and show that the party in power is as false to its other professions as it is to those it has at different times set up on the slavery question, I will pass for a few moments to that

subject.

The expenses of the Government, as you have probably often heard, have increased enormous-It within a few years. The amount of money at the disposal of government for this year is more than one hundred millions of dollars. This I know has sometimes been disputed; but I have here the official statement made by the clerk of the House of Representatives, showing that more than eighty-one millions were specifically appropriated at the last session of Congress, and there are indefinite appropriations to pay claims, the peecise amount of which is not yet known, which amount at the lowest estimate to three millions and a half, making over eighty-four millions, and there is an unexpended balance of appropriations made last year, amounting to more than sixteen millions. These sums altogether make more than a hundred millions of dollars, at the disposal of the Administration for the present fiscal year.

I know it is said that it is unfair to charge all this to this year; that a surplus will remain at the end of this year to be carried to the next list; but I think it is much more likely that the administration will come in with a deficiency bill and ask for some ten millions more, as they did at the last Congress, than that any surplus will remain. The expenses of the government during the administration of General Pierce was \$232.820,632. This is more than all the expenses of the government from 1790, when it was organized, for thirty years together, including the war with Great Britain in 1812. Gen. Pierce expended more money during four years of peace, than our government expended for the first thirty years after its organization. In 1823, the expenditures of the government for all purposes, exclusive of the public debt, were \$9,784,154 59. In 1857,

"Lemmon case," and when the country gets the public debt, were \$65,032,559 76. The prepared to receive the decision, you will prob- pro rata, according to the population in 1823, was 94 cents on each individual. The pro rata United States the doctrine announced, that un= in 1857 was \$2 28, per man,-94 cents to \$2 28, according to population. Now these facts ought to attract the attention of the country; but perhaps if I were to state in detail some of the wastefulness of this government, some of the means by which these expenses have been increased, it would strike some minds more forcibly. I will call your attention to the city of Chicago. You have a custom house located here, and in 1852, or for the fiscal year ending in June, 1853, the last year of Fillmore's administration, there was collected at Chicago, \$111 808 86. Six men were employed to collect it, and they were paid \$2,882 12. That was a little over two per cent. For the year ending June 30th, 1856, there was collected at Chicago, \$145,662 49. Sixteen men were employed in its collection, and they were paid \$14,349 29 for it.

Now I ask you, living right here as you do, is there any reason for this increased expenditure? Can you tell me any reason why it cost ten per cent. the last fiscal year, to collect the revenue at this port, and only a little over two per cent, four years ago? Is there any reason for it, except that the government wanted to shower the money upon its favorites? [Yes, there is a reason. I don't know what it is. The Democratic party must be sustained. Laughter and applause. I think that is the best reason. [Renewed laughter.] They must sustain the office holders. But Chicago is only a single case. I have the official report here, and I will state a few other cases to show you how the government expends money. are some other points where the expenditures for collecting the revenue are much worse than at this point. At Wilmington, Delaware, there was collected in 1857, \$2,004 95. How many men do you suppose it took to collect that amount, and how much do you suppose they got for it? It took eight men, and the expense of collecting was \$15,848 38. [Laughter.] Gentlemen, you began entirely too soon. These are the better sort of cases. At Anapolis, in Maryland, there was collected the same year, \$375 25. [Renewed laughter.] How many men do you suppose it took to collect that? took four men, and they were paid for their services \$983 42. At Ocracoka, in North Carolina, \$82 55 were collected in 1857. [Laughter. It took seven men to do it. [Laughter.] And an economical government, under a Democratic administration, priding itself on its econony, paid seven men to collect this \$82 55 the sum of \$2,201 52. [Laughter.] At Port Oxford, in Oregon Territory-now you would expect something extravagant over there-there was collected \$5 85 and it took two men to collect, and they were paid for collecting \$2,703 08.

!Laughter. | Can any of you make the calcu- than it took four years before. Fellow citizens lect the \$5 85? I believe it was about five hundred to one. Don't you think the govern-ment ought to get rich? At Monterey, in California, the amount collected in 1857 was \$45 25 three men were employed to collect it, and paid for doing it \$7.050 95. At Buffalo there was collected in 1857, \$10,140 53. There were ten men employed in its collection, and they were naid \$16.896 51. I will not weary you with reading this report further. It is the official report from the Secretary of the Treasury, in answer to a resolution of the Senate calling upon him to know how many employees he had in the different custom houses; what he paid them; how much was collected, etc., and here is the official report from every collection district in the United States. I have singled out a part of them as examples. When can we have the report? | You can have this published, it is a public document. [Has Douglas got it?] presume he has, for he sustains the administration on every point save one. I will now give you some account of the total expense of collecting the revenue for several years past.

In 1850, Congress passed a law appropriating \$2,450,000 annually to defray the expenses of collecting the revenue east of the Rocky Mountains. During Taylor and Fillmore's administration the whole revenue east of the Rocky Mountains was collected for about two millions dollars per annum, leaving a surplus of more than \$1,600,000 at the end of the four years. During the four years of the administration of Gen. Pierce, he used up the \$2,450,000 per annum and every dollar of the \$1,600,000 remaining over from Fillmore's administration besides. After Mr. Buchanan came into power, Mr. Secsetary Cobb, in his first report asked Congress to appropriate \$3,700,000 annually to collect the revenue in the same district of country where only about \$2,000,000 had been required five years before. What was the reason for this vast increase of expense?

None was given. Congress did not appropriate the \$3,700,000 asked for, but it did appropriate \$3,300,000 for collecting the revenue east of the Rocky Mountains. The amount of the revenue collected is less than during Fillmore's administration, when it was collected for \$2,000,000. The reason of this increase is partly because supernumerary officers have been employed. Gen. Pierce added more than three hundred clerks at the custom house in New York, and I suppose they were paid over a thousand dollars a piece-that alone would make \$300,000; and so it was that the average annual expense of collecting the revenue, this side of California, during the Pierce administration was nearly a million more than during

Fillmore's; and during the first year of Bu-

chanan's administration they want \$1,300,000

more, to collect the revenue for a single year

lation of the per centage that was paid to col- are you for continuing this state of things? Does it meet your approbation? [No, no, no.] Do you not think it would be better to take some of this money, thus squandered upon partisan favorites, to protect your immense commerce, to improve your harbors, and save the lives of your citizens on these great lakes. [Cries of yes, yes.] I suppose that would be unconstitutional; in the opinion of the ruling dynasty. [laughter,] but it is not unconstitutional to pay a man \$500 to collect one. [Laughter.] I could detain you, fellow citizens for hours in pointing out the extravagance of the past and present administrations, with all their professions of economy. But I have said enough, I trust, to call your attention to the matter. I have stated the gross amount which the government is using per annum, and you will find that for the five last years more money was expended than for the first thirty-five years of the government. The increase of expenditures is many times as great as the increase of population, or the extent of country, and there is no reason for this. But there is not only extravagance in the collection of the reuenue but in all

branches of the public service. They are in the habit at Washington of multiplying offices. Judicial districts are divided when there is no cause for it, and when the public service does not require it and then Judges and Marshals and Attor eys are appointed, and the expense of courts is incurred. Ports of entry are established when there is no occasion for them, and immense sums of money are lavished upon favorite places, in the construction of magnificent palaces. I verily believe that this government can be carried onand properly carried on-for less than one-half of the money now used by this administration professing economy, [cheers, loud applause,] and I ask you now if I have not made good the charge that the professions of this party are as false with regard to economy as to freedom. [Cries of yes. yes.] Then, I ask, is it to be sustained? I am satisfied that the people of this country cannot approve of these things. You cannot believe in the professions of men who practice directly the reverse of what they profess. You cannot believe that men are sine cerely for economy, when they are plundering the public treasury, and if you don't hurl from power such a party, the first opportunity you have, it must be because you fear that those who are to succeed them will do no better.

WHAT THE REPUBLICAN PARTY PROPOSES.

Now, is that so? [Cries of no, no.]

What does the Republican party propose? I shall detain you but a few minutes upon that point. We propose, upon the slavery question, to leave it exactly where the men who framed the Constitution left it. We are for leaving the question of slavery, where it exists in the States, to be regulated by the States as they think proper; and we are for keeping the terri-

vasion of stare fee long as they remain territories (cheers), 1 them when they become States, of course, to meal with their black population as they shall take best, for we have no power then to inter-fere with the subject. There is no question what the result will be. If there is no slavery in the territory, there will be none when the people come to make it a State. I want to appeal to the candor of those who are honoring me with their attention, whether they be Democrats or Republicans; for there are but two parties. It is idle to talk about a third party-a Douglas party, or any thing of that kind. There is no middle ground; you must take one side or the other. If you sustain the measures of this self-styled Democratic party, you are one of them; if you sustain the measures of the Republican party, you must go with them, and there is no third party to unite with. wish to ask you-men of all parties-if you are opposed to the introduction of slavery into Illinois. I apprehend that you are-that all this audience will respoud, "We are opposed to it." If that is so, you have your reasons for it. You think it better for the white race that there should be no slavery here; entertaining that view you will exclude it. Now is there a father who would do less in the formation of a government for his children and posterity than he will for himself? Is there an honest man here who can say, "I will exclude slavery from the State and locality where I live because I believe it an evil, but I will suffer it to go in where my children are to go?" Here is a common territory. You are the Congress of the United States. The constitution of the United States says that Congress shall make all needful rules and regulations respecting the territories of the United States. Here is a territoryabout to be settled. You are called upon to frame a government for the people who are to go there, which is to last so long, and only so long, as the territorial condition continues. Now what sort of a government is it your duty to frame? You will readily admit that it is your duty to form such a government as will be for the best interests of the people who are to go there. Is not that so? (Cries of yes, that's the truth.) You believe it to be for your best interests to exclude it from Illinois, where you live. Is it not then for the best interests of your child, and your sister, and your brother, and neighbor, who are going to the territory, that slavery should not go with them? Will you do less for them than for yourself? A man is not deserving the name of a man who is so selfish that he will protect himself from an evil, yet will not raise his arm when he has the power to protect his child and his friend from the same evil. (Great cheers.)

Then it is your duty to exclude slavery from that territory until there are people enough there to come to act for themselves. That is exactly what we propose to do, and nothing more. That was what the fathers of the Ropublic did. Is there anything wrong in that? I think if you will look at this matter candidly, you will see that it is right, and that it is your

duty to insist upon this.

The charge that we want to have anything to do with negroes is utterly untrue. It is a false clamor raised to mislead the public mind. Our policy is to have nothing to do with them, and I, myself, am very much inclined to favor the project suggested by Mr. Blair, of Missouri, at the last session of Congress. He suggested a plan for colonizing free negroes, who are willing to go somewhere in Central America, where an arrangement could be made by which their rights may be secured to them. The policy now is such as to frevent emancipation, and although we do not want to interfere with the domestic institution of slavery in

tories which belong to the United States from the in- the States, still we wish to interpose no obstacle to the people of those States in getting rid of their slaves whenever they think fit to do so. We know that many of the free States have passed laws preventing the immigration of negroes into their limits. The slave States have passed laws prohibiting the omancipation of slaves by their masters unless they are taken out of the State. The result of this legislation is that emaneipation must ecase,-for where are negroes to go? Many slaves have been emancipated during the last half century. There are thousands of free negroes in Virginia. But that policy is now stopped, because it is impracticable, there being no way of disposing of the negro when emancipated. Many masters in the South are desirous to emancipate their slaves, and especially is this the case as they approach death; for, however they may reason while in health, and thoughtless of that event which levels all alike, they are very apt, in making up their last account and disposing of their property, to think of the wrong and injustice they have done by holding some of their fellow men in boudage, and they are quite willing to emancipate them. Thousands would be emancipated if there was any place to which they could go. I, for one, am very much disposed to favor the colonization of such free negroes as are willing to go, in Central America. I want nothing to do, either with the free negro or the slave negro. We, the Republican party, are the white man's party. (Great applause.) We are for free, white men, and for making white labor respectable and honorable, which it never can be when negro slave labor is brought into competition with it. (Great applause.)

We wish to settle the Territories with free, white men, and we are willing that this negro race should go anywhere that it can to better its condition, wishing them God speed wherever they go. We believe it is better for us that they should not be among us. lieve it will be better for them to go cleewhere.

A Voice-Where to?

Mr. Trumbull - I would say to any Central American State, that will make an arrangement by which they can be secure in their rights until they arrive at a time when they can protect and take eare of them-

A Voice-But if you can't protect them here, how

can they be protected in Central America? Mr. Trumbull-I would colonize them. ize Indians in our Western frontier; why can't we colonize the negro as well as the Indian? We can suffer them to go off into a country by themselves. This Central American country seems to be adapted to the negro race. It is unhealthy and enervating to the white man. Let the negroes go there if they wish;and I understand there is no objection on the part of the people of portions of Central America to the negroes coming there and enjoying an equality of rights, (a) plause,) and this would give them an opportunity to improve their condition. I would be glad to see this country relieved of them, believing it better both for them and for us that we should not mingle together. Besides, such an ontlet, were it provided, would be the means of freeing thousands who will otherwise be continued in slavery.

DOUGLAS AND "DIVERSITY OF OUR INSTITUTIONS."

I will say a word in regard to the argument, or rather perversion it should be called, I have seen go ing the rounds of the papers, that if such a state of things should take place -that the States should think proper to emancipate and send their slaves off-it between the institutions of the different States, and that would lead to despotism. It is said that our free institutions rest upon the basle of a diversity of laws and institutions in the different States, and it is argued that if there is uniformity on the subject of freedom. there must be uniformity on every other subject-uniformity of laws for the granite hills of New Hampshire, the rich fields of South Carelina, the mines of

California, and the prairies of Illinois.

It is difficult to treat so illogical an inference scrionely, but if it be true that uniformity on the subject of freedom in all the States requires uniformity of laws upon all subjects in the several States, then diversity upon the one subject would require diveasity upon all. On this principle I can preve that the men whe advocate it and who say that diversity is the basis of our free institutions are themselves in favor of licensing robbers, and burglars, and thieves, and murderers, and repealing all laws for punishing such offenders. And why? Because all the States of the Union have laws for preventing the commission of such crimes; and as diversity of laws is the basis of our free institutious, we must repeal our criminal code in order to bring it shout, lest by having laws in all the States punishing such criminals, we fall into despotism. Now, you who are for diversity of laws and institutions in the different States, must sanction murder, robbery, burglary and theft, according to your own mode of reasoning. The application of such reasoning is as good one way as the other, and this shows the utter absurdity of charging upon the Republicans-who would wish that, in the providence of God, not a human being trod His footstool in the capacity of slave (loud applause)-a desire to have uniformity of laws and institutions in all the States on all subjects. I say this simply turning the argument used against us upon those who make it, and showing that they are just as obnoxious to the charge of advocating diversity of laws and institutions upon all subjects as we are of advocating uniformity upon all.

CONCLUSION.

Having given the views of the Republican party as I understand them, in regard to slavery, I designed to have said something upon the unwarrantable assumption of power by the Federal Executive, but am already so much exhausted as to he unable to do so. I intended to have pointed out to you the nature of the assumptions of power on the part of the Federal Government tending to consolidation and to break down the sovereignty of the States; to have shown as it can be shown and demonstrated, that this party, now calling itself democratic, is the old Federal party in disguise. ("Go on-good, good-go on," and applause.)

It is true, and it can be demonstrated to be true. The powers which have been usurped by Pierce and Buchanan would have led to the impeachment, I believe, of Washington himself. (Applause.) Why, the President of the United States now assumes to raise armies without calling upon Congress. He has en-

listed volunteers without the least authority from Congrees. He has marched an army away to the Rocky Mountains and encamped it there during the winter at an expense of millions and millions of dollars, without the least authority of law. All that the Democratic Congress of his party does is to raise the money to pay for the expedition. I say nothing here of the policy of that expedition. I speak of the want of power in the President to send it there. It is done. I know, under the pretended name of a posse comitatus to accompany the Governor. It is the same sort of subterfuge under which troops were employed in Kansus to compel submission to their invaders.

You know what a posse comitatus is. It is the power of the county, called out by a civil officer to assist in the execution of process when resisted, and the President of the United States, who has no authority to summon a posse for any purpose, calls the army from Florida, thousands of miles off, and sends it as a posse comitatus, first to Kansas, afterwards to the Rocky Mountains to accompany the Governor. Why a Governor has no right to have posse comitatus for an escort, and it is a perversion of terms to give such a name to an army. The authority to make war is vested by the Constitution in the Congress of the United States. It is expressly declared that Congress shall have the power to declare war, to raise armies, and prescribe rules for their government.

A Voice-"How will you put down rebellion?" Mr. Trumbull-I will put down rehellion under the authority of Congress, and in no other way. (Applause.) The President of the United States is the Commander-in-chief, when Congress raises the troops and directs him what to do, but he has no power to raise an army; and if you sanction his usurpations of power in raising armies and using them at his own discretion, the time is not distant when some Bonaparte or Cæsar will assume to control your rights and mine. (Great cheers.)

The Republican party is opposed to this assumption of power, and all these unnecessary offices and nnnecessary expenses, and they are for bringing the government hack, not only in regard to this slavery question, but in regard to all questions, to its original policy under Washington and Jefferson. We are for au economical administration of the government, for shaping the legislation of the country to serve the best interests of the country, and the whole country, oppressing no section and no interest, but doing equal justice to all. (Cries of good, good, and loud applause.) Not interfering with slavery where it is, but shaping the policy of the country so as to prevent its expansion, and leaving it as the Constitution has left it, for the States where it exists, to manage it as shall seem to them best. (Applause.) That I understand to be the policy of the Republican party. Install that party. in power, and we may look forward to long years of peace and prosperity, for a free, a united, and a happy people. (Loud and long continued cheering.)

Douglas' Chicago Speech vs. his Freeport Speech.

DRED SCOTT SWALLOWED IN CHICAGO AND THROWN UP IN FREEPORT-WHAT THE SUPREME COURT SAYS—WHAT PRESIDENT BUCHANAN SAYS—THE

LITTLE DODGER CORNERED AND CAUGHT.

Mr Douglas has at last, to use his own chaste and classic language, been "trotted out" and "brought to his milk." The efforthas been in progress for four years, with very little prospect of success; but on the 27th of August he was brought up 'with a round turn' by Mr. Lincoln, and made to 'let down.' During the struggle over the Kansas-Nebraska bill, Mr. Douglas voted in the Senate against an amendment, asserting the right of the Territorial Legislature to exclude slavery. He was interrogated upon the point whether a Territorial Legislature had the right to exclude the institution, both in the United States Senate and upon the stumpin 1854 and 1856-all along through the exciting discussions which have grown out of the repeal of the Missouri Compromise; and in every instance, without a solitary exception, when so interrogated, his reply was, "That is a question for the Supreme Court of the United States to determine." Well, the Supreme Court did determine the question in its decision of the famous Dred Scott case. Here is what it said :

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"We are satisfied that no one who reads attentively the page in Peter's Reports to which we have referred, can suppose that the Court meant in that case to say that Congress had a right to prohibit a citizen of the United States from taking any property which he legally held into a Territory of the And if Congress itself can-United States. not do this-if it is beyond the powers conferred on the Federal Government-it will be admitted, we presume, that it could not authorize a Territorial Government to exercise them. And if the Constitution recognizes the right of property of the master in a slave, and makes no distinction between that description of property and other property owned by a citizen, no tribunal, acting

under the authority of the United States. whether it be LEGISLATIVE, executive or judicial, has a right to draw such a distinction, or deny to it the benefit of the provisions and guarantees which have been provided for the protection of private property against the encroachments of the Government."-Dred Scott Decision delivered by

Chief Justice Toney, p. 451.

There is no chance for mistaking the language here employed. It is clear and conclusive upon the point which Mr. Douglas had always said could be decided only by the Supreme Court. The doctrine embraced towit: that the federal constitution carries slavery into all the Territories belonging to the United States, and protects it there in defiance of Congressional intervention or the enactments of the Territorial Legislatures, has been accepted by all the slaveholding States and adopted by the Democratic party without a dissenting voice. Mr. Buchanan, the present head and chief exponent of that party, in his famous Silliman letter of last September, declared that:

"Slavery existed at that period, and still exists in Kansas, UNDER THE CONSTI-TUTION OF THE UNITED STATES. This point has at last been finally settled by the highest tribunal known to our laws. How it could ever be seriously doubted is a

mystery."

Mr. Douglas, himself, again and again indorsed this decision. He indorsed it in all his speeches in this State last summer and fall, he indorsed it during the winter upon the floor of the Senate, he has indorsed it in all his speeches delivered since his return from Washington up to August 27. The point of his acquiescence in that decision has been made upon him scores of times, and still in every speech his reply, in substance

has been: "The Supreme Court has so de- upon the Dred Scott case or measures friendly to slavery, and I have no idea Hence, no matter what may clared. I sustain the action of the Court. The Court can do no wrong." At Freeport, however, the subject was pressed home upon him, in terms, in a manner that compelled him to give a categorical answer. He was literally "trotted out and brought to his milk," not in "Egypt," where he had threatened to perform that interesting operation upon his opponent, but in Northern Illinois, where the free soil sentiment is all powerful, and in a Senatorial District which he is laboring very hard to carry. Had Mr. Lincoln waited until they had gone down to Egypt "the milk," doubtless, would have been of a different color and consistency, but the free soil atmosphere with which Douglas was surrounded worked wonders upon his political laceteals. That our readers may see how entirely he swallowed Dred Scott in Chicago, and how he was compelled to throw up again at Freeport, we place in parallel columns his remarks on of Mr. Lincoln, Mr. Douglas took "direct or this subject at each place:

DOUGLAS AT CHICAGO, JULY 9, DOUGLAS AT FREEPORT, AUG. 27, 1858

against the Supreme Court of exclude slavery from their against the Cupreme Court of warming stately from their the United States on the limits by any legal meetus be-ground of the Dred Scott de- fore it comes into the United icision. On this question also as a State? I answerempha-I desire to say to you une-quivocally that I take direct heard me maswer a hundred or distinct issue with him. I times, on every stning in Illi-bave no warfare to make on nois, that in my opinion the the Supreme Court of the people of a territory can, by United States [applause] el- lawful means, exclude slave-ther on account of that or any ry before it comes in as a other decision which they State [Cheers.] Mr. Lincoln bave pronounced from that knew that I had given that bench. The Constitution of answer over and over again. the United States have provi- He heard me argue the Neded that the power of the Go- braska Bill on that principle vernment-and the Constitu- all over the State in 1854'5 tions of the severai States had and '6, and he has now no exthe same provisions—shall be case to pretend to have any divided into three depart—doubt upon that subject. ments—the executive, legis Whatever the Supreme Court lative and jndiclary The may hereafterdedde as to the right and the province of ex-abstract question whether results of the court of pounding the Constitution slavery may go in under the and the construction of law is Constitution or not, the peosame use construction of law is Constitution of not, the provested in a judiciary scate be of a Territory have the lished by the Constitution, lawful means to admit it or As a lawyer, I feel at liberty exclude it as they may please, to appear before a court and for the reason that slavery controvert any principle of cannot ex'st a day or an hour law while the question is anywhere unless supported pending before the tribunal; by local police regulations, but when a decision is made, furnishing remedies and

Mr. Lincoln in reviewing the will adopt unfriendly legisla-various decisions that the Su-tion to it. If they are for it

The other proposition ad-vanced by Mr Lincoln in his coln propounded to me is-speech consists in a crusade "Can the people of a territory The next question Mr. Linbut when a decision is made, furnishing remedies and my private opinion, your means of enforcing the right opinions, all our opinions to hold slaves. Those local that authoritative adjudication. Cfries of "Good," and legislature. If the popule of the earth of the control of t preme Court has made either they will adopt the legislative

constitutional question to the hence I am opposed to this doctrine of Mr. Lincoln's, by which he proposes to take an appeal from the decision of the Supreme Court of the satisfactory on this point. United States, upon these high constitutional questions, to a Free Soil or Republican caucus situated in the coun. try-yes, or to any other cancus of town meeting. I respect the decision of that august tribunal: I shall bow in deference to it.

any other, and I have no idea Hence, no matter what may of appealing from the decision be the decision of the Supreme Court npon a preme Court on that abstract question, still the right of the decision of a town meeting; people to make a slave Territory or a free Territory is perfect and complete under the Nebraska Bill. I hope Mr. Lincoln will deem my answer

Now, mark: at Chicago Mr. Douglas takes "direct issue with Mr. Lincoln" on the subject of the Dred Scott decision. Mr. Lincoln had objected to that decision chiefly on the ground of its declaration that the federal constitution carried slavery into the Territories and protected it there against all legislative, executive or judicial interference, whether federal or local. To this objection distinct issue" in his Chicago speech. He was for the decision, he "respected" it, and "bowed in deference to it." At Bloomington he was equally explicit, his language at that place being:

"I have no issue to make with the Supreme Court. I have no crusade to preach against that august body. I have no warfare to make against it. I receive the final decision of the Judges of that Court, when pronounced, as the final adjudication upon all questions within their jurisdiction."

The same language was substantially held by Mr. Douglas in his subsequent speeches. His followers throughout the State took their cue from the bold manner in which he uttered his approval of that decision and indorsed all its consequences. A writer in the Chicago Times elaborated a series of articles to establish the wisdom and justice of the dictum which made slavery the common law of the land; and the editor of the Times indorsed the views of the writer. Other Douglas organs followed in the wake of the Times. The Douglas party in Illinois was as fully committed to the doctrine as its acknowledged leader and his subalterns had it in their power to commit it. Those who took the stump for Douglas came square up to the mark, swallowing Dred Scott at a single gulp. At Vandalia, on the 18th Aug., Captain Post, a prominent Douglas candidate for nomination to Congress from the 7th Dis-

lowing fashion :

the Territories."

Captain Post had just heard Douglas' speeches all through Central and Southern his opinions for that latitude were. He gave esty and truthfulness are still less. free expression to them, not dreaming, we

of the State.

We now call the reader's special attention from the Freeport speech. Mr. Douglas, could assume, boldly declares that he has asserted "on every stump in Illinois that in (his) opinion the people of a territory can. by lawful means, exclude slavery before it comes in as a State." Now we assert that upon its face, and is in direct conflict with on any one stump in the State. From 1854 Dred Scott case. The language of the Court to 1857, when asked for his opinion on this is:subject, and he was often asked, he invariably referred his interrogator to the Supreme right of property of the master in a slave, Court for an answer; since the Dred Scott opinion, his answer has been such as he gave owned by a citizen, no tribunal, acting under in his Chicago speech-"I respect that (the the authority of the United States, whether Dred Scott) decision; I bow with deference LEGISLATIVE, Executive, or Judicial, every party, if this is not so. And if it is, DENY to it the benefit of the provisions and pudently and unblushingly falsifies his own protection of private property, against the record in the face of assembled thousands? encroachments of the Government."

tion is, that while Mr. Douglas sought to necessary to the maintenance of slavery, the impress his audience with the belief that he Supreme Court has decided that the local repudiated the most objectionable feature of Legislature has not the right to DENY the the Dred Scott decision, he in reality did not benefit of the provisions and guarantees

trict, discoursed on the subject after the fol- that notwithstanding the Dred Scott decision carries slavery into the Territories, "I know I once preached the doctrine that still the people thereof can exclude it or the people of a territory had the right by admit it just as they please, for the reason the passage of a territorial law, to establish that slavery cannot exist a day or an hour or exclude slavery. I know that was the anywhere, unless supported by local police doctrine formerly maintained by the Demo- regulations; that these police regulations cratic party; but I became satisfied that we can only be furnished by the local legislawere wrong. If I own a horse in Kentucky ture; that hence a people who do not desire I am at liberty to take that horse into any slavery in their Territory, have only to elect Territory of the United States. Why? Be- a legislature of their mind-and the federal cause he is my property. The case is pre- constitution and that "august tribunal," the cisely the same as my nigger. The Consti- Supreme Court, are no where! Mr. Douglas tution of the United States protects me in was once a Judge of the Supreme Court of the enjoyment of my property anywhere in Illinois; he still claims to be a lawyer, and boasts of being deeply learned in the constitution. If he is honest in this exposition of constitutional law, what becomes of his Illinois; he had conversed and counselled claims as a statesman? If it was his intenwith him in private. He understood the tion to practice a deception upon the people position of his master fully. He knew what as to his real sentiments, his claims to hon-

Look at the fallaey of the position. What presume, that Mr. Douglas would seek to local police regulations are necessary for the convey a different impression in another part protection of slaves? Mr. Douglas is a slave holder; will he, in his next speech, have the goodness to name the local police to the extract which we have copied above regulations by which he holds his slaves in Mississippi? If any one is desirous of prowith an audacity that no one but himself voking his rage and hearing him pour out his choicest billingsgate, let him propound that question to Douglas at his next appointment. So far as the Territories are concerned, the argument of Douglas carries its refutation Mr. Douglas has not declared any such thing the dictum of the Supreme Court in the

"And if the Constitution recognizes the and makes no distinction between that desdecision of that party, when asked for his cription of property and other property to it." We ask the people of Illinois, of has a right to draw such a distinction, or what shall we think of the man who thus im- guarantees which have been provided for the

The other point to which we direct atten- Here, then, if "local police regulations" are

commit himself against it. His position is, which have been provided for its protection.

REQUIRED to furnish the necessary police tion? regulations. But suppose it refuse and ne-Federal Government powerless to protect private rights within its jurisdiction? Where are the Governor, the U.S. Marshal, the United States Army, and what their business in the Territories, if it be not to protect private rights and enforce the guaran-

In other words, the local Legislature is enforce the guarantees of the Constitu-

Here, then, is Mr. Douglas' last definition glect the requirement, what then? Is the of the right of the people of the Territories to govern themselves. Their right is a mere negation. If they do not wish to have slavery, they cannot exclude it, for the Dred Scott decision is in the way; but they may refrain from passing local police regulations for its protection! That is all there is of tees of the Constitution "against the en- Popular Sovereignty left by his own admiscroachments of the local government?" Is sion; and even that can avail nothing, since Mr. Douglas a knave, or does he consider the Dred Scott decision declares that the conthe people of Illinois to be fools, and stitution guarantees the right of property in so believing, insult their intelligence slaves in the territories, and the Federal Govwith such nonsense as all this talk about ernment has the power and is compelled to en-"local police regulations" and the in- force that guarantee. Said we not truly, that ability of the Federal Government to "the little dodger is cornered and caught?"

WHAT THE SOUTHERN PAPERS SAY.

THE LOUISVILLE JOURNAL ON DOUGLAS AND LINCOLN-OPINION OF THE HOME ORGAN OF HENRY CLAY.

The Louisville Journal has received Douglas Freeport speech, and to the Senaator's new averment that slavery may be kept out of the Territories by the refusal of the local Legislatures to pass laws for its protection, in spite of the authoritative mandate of the Constitution and the Supreme Court, thus replies:

Mr. Lincoln, though doubtless far from approving this answer, will probably deem it more satisfactory than Senator Douglas' Southern Democratic friends are likely to think it. We ask these gentlemen, plainly, what they do think of it. Is it good Southern doctrine? Is it good law? Is it statesmanlike? Is it even in conformity with that system of public ethies which obtains among nations tolerably civilized? Saying nothing of historic prestige-spawn of Senator Douglas' own brain as it is-is it

diency or any other quality which might palliate or redeem a grave error, to Mr. Lincoln's position on the same question? Most certainly it is not. A more silly, disgusting exhibition of ignorance and duplicity was never made by a man of respectable pretensions. According to Senator Douglas, the Territorial Legislatures, though prohibited by the Constitution from abolishing slavery within their respective jurisdictions, may lawfully abstain from enforcing the rights of slaveholders, and so extinguish the institution by voluntary neglect. In other words, Senator Douglas contends that the Territorial Legislatures may lawfully evade the Constitution by deliberately omitting to proteet the rights which it establishes. holds that the people of the Territories may lawfully abolish slavery indirectly, though the Constitution forbids them to abolish or prohibit it directly. It is impossible to concomparable, in honesty, or diguity, or expecieive of squatter sovereignty in a more con-

is added to the enormity of the fact that the Dred Scott Decision, to which Senator Douglas eonstantly parades his allegiance expressly precludes the whole thing. The opinion of the Court in that case denies the right of Territorial Legislatures to refuse protection to slavery as distinctly as it denies their right to abolish or prohibit it. "And if the Constitution," says the Court, "recognizes the right of property of the master in a slave, and makes no distinction between that description of property and other property owned by a citizen, no tribunal acting under the authority of the United States whether LEGISLATIVE, Executive or Judicial, has a right to draw such a distinction, or DENY to it the benefit of the provisions and guarantees which have been provided for the protection of private property against the encroachments of the Government." The doctrine finds as little warrant in the late famous opinion of the Supreme Court as in law or morals or the dietates of a fair and wise statesmanship. It has no basis either in reason or authority. It is utterly and astoundingly false. No friend to the constitutional rights of the South or to manly public dealing can or will tolerate it for an instant. It is a most vile and miserable and unmitigable here-Senator Douglas in publicly espousing it, goes several lengths beyond the most intense and passionate Republicans in the whole North. He rushes in where Mr. Lineoln and his colleagues seorn to tread. Mr. Lineoln's position on this point has the merit of openness if not justness. Indeed, as compared with that of his adroit but short sighted and unserupulous antagonist, it possesses merits considerably more substantial than simple frankness. While

viest possible form of the seurviest of all

possible heresies. A refinement, moreover,

taking sound national ground on every other important point of the "vexed question," Mr. Lineoln avows his belief "in the right and duty of Congress to prohibit slavery in all the United States Territories."—We consider this an error, involving, theoretically at least, very serious injustice to the citizens of the slaveholding States. It is undoubtedly a serious evil regarded in itself. Yet every impartial mind must perceive and

temptible shape than this. It is the seuradmit that it is the pink of truth and justice compared with the wretched doctrine announced by Senator Douglas. In the name of common sense and common fairness, if slavery is to be prohibited or abolished in the Territories by any legislative tribunal, let it be done by one in which the nation is represented, and not by one composed of the representatives of the first stragglers from some overburdened city or restless border State who happen to squat on the public domain. If slavery is to be prohibited in the Territories by legislation at all, let it be done by the people of the United States, and not by the first handful of nomadic settlers in the Territories themselves. If we must have any sovereignty in the ease, apart from the Constitution, give us the sovereignty of the American people, not squatter sovereignty in its most detestable and unwarrantable shape. Senator Douglas, as we have seen, gives us the latter-Mr. Lincoln the former. Between the two, no intelligent, discerning patriot can hesitate a moment. Mr. Lineoln's position, aside from its virtually speculative cast, is infinitely less unfriendly to the constitutional rights and just interests of the When, furthermore, we reflect that South. the Supreme Court has pronounced this identical position unconstitutional, and would infallibly nullify any Congressional legislation in pursuance of it, the practical consequenee of Mr. Lineoln's error vanishes into all but nothing. It becomes a harmless eroehet, a political dream. But if it were as vital as it is lifeless, it would be immeasureably less pernicious than the reckless and shameless heresy of Douglass. It would be difficult, in fact, to imagine a doctrine on the subject that would not be. Abolitionism itself as respects the Territories, has never, in its highest fury, assumed such radical ground as Douglas took in his Freeport speech. Garrison, with all his fanatical and demoniaeal hatred of slavery, has never in his whole life uttered an opinion at onee so insulting and injurious to the South. The force of unscrupulous Northern demagogism seems spent in this last expedient of the unserupulous little demagogue of Illinois. This is a Southern view of the matter at

issue; but it is out-spoken, honest and significant of more to follow. The Louisville Journal concludes its lengthy article on the Illinois canvass as follows:

We can hardly be mistaken in thinking

have existed, must now be curdled into its reign. sourest aversion and disgust.

Union of the Opposition.

The Baltimore Patriot, the well known organ of the old Whigs of the State of Maryland, gives its strong indorsement of a union of all the opposition elements of the country, in order to defeat the schemes of the corrupt Douglas-Buchanan Democracy. It says:

"Possessing equally with every other citizen of a Southern State the determination to protect the institutions of the South from encroachment, and cherishing in common, all the sentiments and feelings inherent in every true inhabitant of a slave State, we see nothing in the present position of parties calculated to prevent us giving a cordial and

that this somewhat unexpected development warm support to a union of all the conserwill strike our political friends in Illinois as vative elements of the country in opposition something more than significant. We shall to the inglorious and demoralized Democrabe mistaken if they do not consider it deci- cy, which now, with an army of pharisites sive, and promptly throw aside whatever im- at its command, affects to administer the afperfect, half-formed sympathies with Sena- fairs of the nation, and, at the expense of tor Douglas they may have hitherto enter- its labor, lavishes millions upon its votaries Such sympathies, if they exist, or to prolong its existence and the perpetuity of

With the masses it has already become unpopular. The bungling policy of the administration of James Buchanan, its extravagance, which is fast establishing a national debt, the corruptions whose emanations appear to proceed from its advisers, the attempt by the mere force of power to coerce the inhabitants of what will soon be a sovereign State, into a form of government repugnant to the wishes of nine-tenths of them; these and other reasons are sufficient to create a feeling, which, in 1860, will sweep from position a party that has done more to mar and blemish our status as a republic than any other which has existed in our midst since the Revolution."

That's the talk. The Henry Clay Whigs of Illinois respond "amen" to every word

The Political Record of Stephen A.D onglas.

In 1849 Douglas "canonized" the Missouri Douglas in 1850, on "Prohibition" Compromise.

The Missouri Compromise had an origin akin to that of the Constitution of the United States, conceived in the same spirit of fraternal affection, and calculated to remove forever the danger which seemed to threaten, at some distant day, to sever the social bond of union. All the evidences of public opinion, at that day, seemed to indicate that this Compromise had became canonized in the hearts of the American people as a sacred thing, which no ruthless hand would ever be reckless enough to disturb. Judge Douglas' speech at Springfield, Oct. 23d,

Douglas defending the Missouri Compromise in 1850, from the charge of being an aggression on the South.

'The next in the series of aggressions complained of by the Senator from South Carolina, is the Missouri Compromise. The Missouri Compromise, an act of Northern injustice, designed to deprive the South of her due share of the Territories! Why, sir, it was only on this very day that the Senator from Mississippi despaired of any peaceable adjustment of existing difficulties, because the Missouri Compromise line could not be extended to the Pacific. That measure was originally adopted in the bill for the admission of Missouri by the union of Northern and Southern votes. The South has always professed to be willing to abide by it, and even to continue it, as a fair and honorable adjustment of a vexed and difficult question .-In 1845 it was adopted in the resolutions for the annexation of Texas, by Southern as well as Northern votes, without the slightest complaint that it was unfair to any section of the country. In 1846 it received the support of every Southern member of the House of Representatives-Whig and Democrat-without exception, as an alternative measure to the Wilmot proviso. And again in 1848 as an amendment to the Oregon bill, on my motion, it received the vote, if I recollect right-and I do not think that I can possibly be mistaken-of every Southern Senator, Whig and Democrat, any Territory, is a violation of any right to even including the Senator from South Carolina himself [Mr. Calhoun.) And yet we are now told that this is only second to the ordinance of 1787 in the series of aggressions on the South." [Douglas' speech in Senate, March 13, 1850-Cong. Globe, Appendix, vol. 22, part 1, page 370.

slaves as "Property."

"But you say that we propose to prohibit by law your emigrating to the territories with your property. WE PROPOSE NO SUCH THING. We recognize your right in common with our own, to emigrate to the territories with your property and there hold and enjoy it in subordination to the laws you may find in force in the country. Those laws in some respects, differ from our own, as the laws of the various States of this Union vary, on some points from the laws of each other. Some species of property are excluded by law in most of the States as well as territories, as being unwise, immoral, OR CONTRARY TO THE PRINCIPLES OF SOUND PUBLIC POLICY. For instance, the banker is prohibited from emigrating to Minnesota, Oregon or California, with his bank. The bank may be property by the laws of New York, but ceases to be so when taken into a State or Territory, where banking is prohibited by the local law. So, ardent spirits, whiskey, brandy, all the intoxicating drinks, are recognized and protected as property in most of the States, if not all of them; but no citizen, whether from the North or South, can take this species of property with him, and hold, sell or use it at his pleasure, in all the territories. because it is prohibited by the local law-in Oregon by the statutes of the Territory, and in the Indian country by the acts of Congress. NOR CAN A MAN GO THERE AND TAKE AND HOLD HIS SLAVE FOR THE SAME REASON. These laws, and many others, involving similar principles, are directed against no section, AND IMPAIR THE RIGHTS OF NO STATE OF THE UNION. They are laws against the introduction, sale and use of specific kinds of property, whether brought from the North or the South, or from foreign countries."- [Donglas' speech in Senate, March 13, 1850-Cong. Globe Appendix, Vol. 22, part 1, page 371.

And again:

"But, sir, I do not hold the doctrine that to exclude any species of property by law from property. Do you not exclude banks from most of the Territories? Do you not exclude whiskey from being introduced into large portions of the territory of the United States? Do you not exclude gambling tables, which are properly recognized as such in the States where they are tolerated? And has any one contended

that the exclusion of gambling tables, and the exclusion of ardent spirits was a violation of any constitutional privilege or right? yet it is the case in a large portion of the territory of the United States; but there is no outery against that, because it is the prohibition of a specific kind of property, and not a prohibition against any section of the Union. Why, sir, our laws now prevent a tavern keeper from going into some of the Territories of the United States and taking a bar with him, and using and selling spirits there. The law also prohibits certain other descriptions of business from being carried on in the Territories. 1 am not, therefore, prepared to say that, under the constitution, we have not the power to pass laws excluding Negro slavery from the Territories. IT INVOLVES THE SAME PRINCIPLES."-Speech of Senator Douglas, June 3d, 1850-pages 1115 and 1116, vol. 2d, Cong. Globe, '49 and '50.

Dauglus in '50 on the "right of Probabition."
"The territories belong to the United States as one people, one nation, and are to be disposed of for the common benefit of all, according to the principles of the Constitution. Each State as a member of the confederacy, has a right to a voice in forming the rules and requiations for the government of the Territories; but the different sections—North, South, East and West—have no such right. It is no violation of Southern Richts to Prodiffic 1814 No. 1814

Douglas in 1850 on the Constitutionality of "Prohibition."

"My hands are tied upon one isolated point, (Instructed by the Illinois Legislature in 1849, to vote for prohibiting slavery in the Mexican territory.)

A Senator-Can you not break loose?

MR. DOUGLAS. I have no desire to break loose. My opinions are my own and I express them freely. My votes belong to those who sent me here, and to whom I am responsible. I have never differed with my constituency during seven years service in Congress, except upon one solitary question. AND EVEN ON THAT I HAVE NO CONSTITUTIONAL DIFFICULTIES, and have previously twice given the same vote, under peculiar circumstances; which is now required at my hands. I have no desire, therefore, to break loose from the instruction."—[Douglas' speech in Senate March 13, 1850—Cong. Globe Appendix, Vol., 22, part 1, page 373.

Douglas in 1850 acknowledges that slavery is prohibited by Mexican law in Utah and New Mexico—the only Territories organized under the Compromise measures of 1850.

"Slavery, then, is PROHIBITED in all the

country acquired from Mexico, by a fundamental law—a constitutional provision, adopted by the inhabitants of the country, and which must continue in force FOREVER, unless repealed by competent authority. This doctrine is not new with me, nor is it now advanced by me for the first time."—[Douglas' speech in 1850, in Senate—Globe Appendix, Vol. 22, part 1, page 372.

Douglas on extending the Missouri Compromise Line in 1850—Six months after the introduction of Clay's Compromise Resolutions, and three months after the introduction of the "Omnibus Bill."

The bill for the admission of California being under debate, Mr. Turney, (of Tenn.) moved to amend the same by extending the Missouri Compromise line to the Pacific Ocean, saying his amendment was a verbatum copy of Douglas' amendment to the Oregon Bill.

Mr. Douglas said:

"As reference has been made to me as the author of a similar amendment in 1848, to the Oregon Bill, I desire only to state that 1 was then willing to adjust the whole slavery question on that line and those terms; and if the whole acquired territory was now in the same condition as it was then I WOULD NOW VOTE FOR IT, AND SHOULD BE GLAD TO SEE IT ADOPTED. But since then California has increased her population, has a State government organized and I-cannot consent for one to destroy that State government, and send all back or that such a line as this shall form her For that reason AND southern boundary. THAT ALONE I shall vote against the amendment.—Douglas in Senate Aug. 6, 1850.—Congressional Globe appendix, vol. 22, part 2, page Clay's Compromise Resolutions were introduced January 29th, 1850, the Omnibus bill, May 8th, 1850.

Douglas in 1850 on the "ultimate extinction of Slavery."

"I have already had occasion to remark that at the time of the adoption of the Constitution, there were twelve slaveholding States, and of those twelve, six of them have since abolished slavery. This fact shows that the cause of freedom has steadily and firmly advanced, while slavery has receded in the same ratio.—
WE ALL, LOOK FORWARD WITH CONFIDENCE TO THE TIME when Delaware, Maryland, Virginia, Kentucky and Missouri, and probably North Carolina and Tennessee, will adopt a gradual system of emancipation, under the operation of which those States must in process of time become free.

And again, speaking of a proposition to amend the constitution so as to preserve an "equilibrium" in point of numbers between free and elave states, he says:

"Then sir, the proposition of the Senator from

South Carolina is entirely impracticable. It is also inadmissable, if practicable. It would revolutionize the fundamental principls of the Government. It would destroy the great principle of popular equality which must form the basis of all free necessarily institutions. IT WOULD BE A RETRO-GADE MOVEMENT IN AN AGE OF PROGRESS, THAT WOULD ASTONISH THE WORLD .- Douglas' Speech in Senate March 13, 1850-Congressional Globe Appendix, vol. 22, part 1, page 371.

In 1851, Douglas resolves never to make another speech on the slavery question.

In Senate, December 23d, 1851, on a resolution declaring the Compromise measures a "finality."

Mr. Douglas said :

"At the close of the long session which adopted those measures, I resolved NEVER to make another speech upon the slavery question in

the halls of Congress.

"In taking leave of this subject, I wish to state that I have determined NEVER to make another speech upon the slavery question; and I will now add the hope, that the necessity for it will never exist. I am heartily tired of the controversy. and I know that the country is disgusted with it. In regard to the resolutions of the Senator from Mississippi, (Mr. Foote) I will be pardoned for saying that I much doubt the wisdom and expediency of their introduction. * * * So long as our opponents do not agitate for repeal or modification, why should we agitate FOR ANY PURPOSE? We claim that the compromise is a final settlement. Is a final settlement open to discussion, and agitation, and controversy, by its friends? What manner of settlement is that which does not settle the difficulty and quiet the dispate? Are not the friends of the compromise becoming the agitators, and will not the country hold us responsible for that which we condemn and denounce in the Abolitionists and Free soilers? These are matters worthy of consideration. Those who' preach peace should not be the first to commence and reopen an old quarrel."- | Cong. Globe appendix, 1851-2, pages 65 and 68.

National Democratic Platform of 1852, on the Slavery Question, which Douglas supported and indorsed.

"Resolved, That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question UNDER WHATEVER SHAPE OR COLOR THE ATTEMPT MAY BE MADE."- Resolution of the National Democratic Platform of

THE THREE NEBRASKA BILLS. To understand how "ruthlessly" Mr. Douglas re opened the present slavery agitation, it is necessary to know that

1852.

he himself introduced three "Nebraska Bills" into the Senate, and that in his third bill he, for the first time, hinted at the repeal of the Missouri Compromise.

THE FIRST NEBRASKA BILL.

On the 17th day of February, A. D. 1853, Senator Donglas, as Chairman of the Committee on Territories, reported to the Senate his first "Act to Organize the Territory of Nebraska." This Act conta ned no repeal of the Missouri Compro-

The following speech, on this first Bill reported by Doug-las, made by Atchison of Missouri, in the Senate, on the 3d day of March, 1853, shows that there was not only no repeal in the Bili, but not even a hope or thought of such a repeal in the minds of the most ultra Southerners:

"NEBRASKA TERRITORY.

March 3d, 1853 .- The Senate resumed the consideration of the motion to take up the Bill to Organize the Territory of Nebraska

Mr. Atchison-(Mr. Foote in the Chair)-I did not expect opposition to this measure from the quarter from which it comes-from Texas and from Mississippi. I had thought that Arkansas, Missouri and Iowa, were more particularly

interested in this question.

Mr. President, I will now state to the Senate the views which induced me to oppose this proposition in the early

part of the session. I had two objections to it. One was that the Indian title in that Territory had not been extinguished, or at least a very small portion of it had been. Another was the Missouri Compromise, or, as it is commonly called, the Slavery Restriction. It was my opinion at that time-and I am not now very clear on that subject-that the law of Congress, when the State of Missonri was admitted into the Union, excluding siavery from the Territory of Louisiana north of 36 deg. 30 min., would be enforced in that Territory unless it was specially rescinded; and, whether that law was in accordance with the Constitution of the United States or not, countries what the constitution of the United States of not, it would do its work, and that work would be to preclude siare holders from going into that Territory. But when I came to look into that question, I found that there was no prospect, no hope of a repeal of the Missouri Compromite excluding starey from that Territory. Now, six, I am firest to admit that at this moment, at this hour, and for all time to come, I should oppose the organization or the settlement of that Territory unless my constituents and the consti-tuents of the whole South, of the slave States of the Union, could go into it upon the same footing, with equal rights and equal privileges, carrying that species of property with them as other people of this Union. that would have governed me, but I have no hope that the re-striction will ever be repealed.

I have always been of opinion that the first greaterror committed in the political history of this country was the Ordinance of 1787, rendering the Northwest Territory free Ordinages of 1001, reducing the Potthwest Tetrioty free territory. The next great error was the Missouri Compro mise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri Compromise cannot be REPEALED. So far as that question is concerned we might as well agree to the admission of this Territory now as next year, or five or ten years hence."—[Cong. Globe, Session

1852-53, page 1113.

THE SECOND NEBRASKA BILL.

On the 4th of January, 1854, Douglas as Chairman of the On the 4th of sannary, loop, boughts as Charlinda of the Committee on Territories, reported to the Senate his second Nebraska Bill (the fir t having failed for want of time, during the former session.) This second Act, like the first, contained no repeal, and was accompanied by the following report from Mr. Donglas:

DOUGLAS REPORT IN SENATE, JAN. 4, 1854.

"Your Committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife and the fearful struggle of 1850. As Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming ciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to slave property in the Territories. So FOUR COMMITTEE ARE NOT PHEFFARED NOW TO RECOMMENT A REPEATURE from the course pursued on that memorable occasion, EITHER BY AFFIRMING OR REPEALING THE EIGHTH EXCITION OF THE MISSOURI ACT, or by any act declaratory of the meaning of the Constitution in respect to the lagal admirt of meaning of the Constitution in respect to the legal points in dispute."-[Douglas' Report as Chairman of the Committee DOUGLAS DECLARES THE BOGUS KANSAS on Territories, in Senate, January 4th, 1854.

THE THIRD NEBRASKA BILL.

Up to this time we see that Mr. Donglas had kept the Missonri Compromise "sacred." But now a miraculous change sourt compromes easiest. But now a unacute change comes o'er the spirit of his dream, and on the 23d day of January, A. D 1854, (only 10 days after his former report) he brings in his third Nebraska Bill, in the shape of a substitute torhis former report, dividing the Territory of Nebraska into two Territories (Kansas and Nebraska) and repealing the Missonri Compromise.

Senator Achison accounts for 'the milk in the cocoa nut." and explains how and why Douglas repealed the Missouri Compromise. The following is a report of his speech made at "Methison City," in Kansas, in September, 1854, as reported in the "Parkville Luminary;"

"For myself I am entirely devoted to the interests of the South, and I would sacrifice every thing but my hope of Heaven to advance her welfare. He thought the Missonri Compromise ought to be repealed; he had piedged himself in his public addresses to vote for no territorial organization that would not virtually annul it; and with this feeling in his heart, he desired to be the Chairman of the renate Committee on Territories, when a bill was introduced.

With this object in view, he had a private interview with Mr. Donglas, and informed him of what he desired—the introduction of a bill for Nebraska, like what he had promised to vote for and that he would like to be Chairman of the Committee on Territories, in order to introduce such a measure; and, if he could get that position he would immediately resign as President of the Senate Judge Donglas requested twenty-four hours to consider the matter, and if, at the expiration of that time, he could not introduce such a hill as he (Mr. Atchison) proposed, which would at the same time accord with his own sense of instice to the South, he would resign as Chairman of the Territorial Committee in Democratic canous, and exert his influence to get him (Atchison) appointed At the expiration of the given time, Senator Douglas signified his intention to introduce such a bili as had been spoken of."

DOUGLAS VOTES AGAINST POPULAR SOVER-EIGNTY-THE CHASE AMENDMENT

"Mr. Chase-I desire to submit an amendment, to Insert immediately after the words—('sabject to the Constitution of the United States.') which have been inserted, the following: Under which the people of the Territory through their appropriate representatives, may if they see fit, PROINBITTHE EXISTENCE OF SLAVERY THEREIN."-[Cong. Globe,

1854-page 421. This amendment to the Nebraska Blil was offered in the Senate ou the 15th of February, 1854; and after due discussion was, on the 2d of March following, rejected The vote stood-yeas 10; nays 36. DOUGLAS voting against it.

DOUGLAS VOTES AGAINST POPULAR SOVEREIGNTY

Trumbull's amendment—in Senate, July 2d, 1856:
"And belt further enacted, That the provision of the 'Act to organize the Territories of Nebraska and Kansas,' which declares it to be 'the true intent and meaning' of said Act 'not to legislate slavery into any Territory or State, nor to excipde it therefrom, but to leave the people thereof perfeetly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the Uni-ted States, was intended to and does confer upon or leave to the people of the Territory of Kansas full power at any time,

through its Torritorial Legislature, to exclude slavery from said Territory or to recognize and regulate it therein. The vote stood-yeas 11; nays 34. DOUGLAS voting in the negative.

DOUGLAS DEFENDS THE BORDER RUFFIANS,

"The natural consequence was that immediate steps were taken by the people of the Western Counties of Miscouri to stimulate, organize and carry into effect a system of emigration similar to that of the Massachusetts Emigrant Aid Company, for the avowed purpose of counteracting the effects and protecting themselves and their domestic institutions from the consequences of that Company's operations. material difference in the character of the two rival and conflicting movements consists in the fact that the one had its origin in an AGGRESSIVE and the other in a DEFENSIVE policy."-[Douglas' Report to the Senate, March 12, 1856page 9.

LEGISLATURE AND ITS BOGUS LAWS TO

BE LEGAL.

"So far as the question involves THE LEGALITY OF THE KANSAS LEGISLATURE, AND THE VALIDITY OF ITS ACTS, it is entirely 'immaterial whether we adopt the reasoning and conclusion of the minority or majority reports, for each proves that THE LEGISLATURE WAS LE-GALLY AND DULY CONSTITUTED,"—Douglas' Report to the Senate, March 12, 1856—page 15.

DOUGLAS DECLARES THE PEOPLE OF KAN-SAS MUST BE "SUBDUED" INTO SUBMIS-

SION TO THE BOGUS LAWS.

"The minority report advocates foreign interference; we "The minority report advocates foreign interference, we advocate saff government and non-interference. We are advocate saff government and non-interference. We are found to meet it boldly. TO BEQUIRE SUBMISSION TO THE LAWS AND TO THE CONSTITUTED AUTHORITIES; TO REDUGE TO SUBMISSION THOSE WHO RESIST THEM. AND TO POTUSIH REBELLION AND TO POTUSIH CREEKLION AND TO POTUSIH CREEKLION AND THE ASON. I am glad that a defant spirit is exhibited here; we accept the issue." March 12th, 1856; see Daily Congressional Globe, March 13. 1856, 5th column of 2d pag

"In this connection your Committee feel sincere satisface tion in commending the messages and proclamation of the President, in which we have the gratifying assurance that the supremacy of the laws will be maintained; that rebellion will be crushed; * * that the federal and local laws will be vindleated against all attempts of organized resistance."- Douglas Report to the Senate, March 12, 1856-

page 40.

DOUGLAS RECOMMENDS THE APPROPRIA-TION OF MONEY TO ENFORCE THE BOGUS

"I recommend also that a special appropriation be made to defray any expense which may become requisite IN THE EXECUTION OF THE LAWS, or the maintenance of public order in the Territory of Kansas."-[President Pierce's Special Kansas Message.

"In compliance with the other (the above) recommendation, your committee propose to offer to the Appropriation Bill an amendment appropriating such sum as shall be found necessary by the estimates to be obtained for the purose indicated in the recommendation of the President Douglas' Report to the Senate, March 12, 1856-page 41.

SENATOR TOOMBS TELLS HOW, WHEN AND

WHERE DOUGLAS STRUCK THE SUBMIS-SION CLAUSE OUT OF THE TOOMBS BILL. In the United States Senate, on the 18th day of March

last, Senator Toombs made a speech, reported in the Appendix to the Congressional Globe of the last session, and on page 127, speaking of the bill which he had introduced, he uses the following remarkable language:

"The first twelve sections provided the machinery for executing the (Toombs) bill, so that there should be no dispute as to its fairness

The other sections containing only the formal parts of the bill incident to every enabling act, I cut them off with my scissors from a printed bill before me. The first twelve sections are in my own writing. In the thirteenth section, under the usual clause, stating that the following shall be the fundamental conditions of admission, THERE WERE WORDS REQUIRING A SUBMISSION OF THE CONSTI-TUTION TO THE PEOPLE. That I did not observe.

When the bill came up for consideration between some gentlemen of the Committee and myself, there being no pr vision in the bill for a second election ; there being no safeguards for such a popular election; the bill being incongruous as to that purpose, I suggested the striking out of this clause. It was done as the report shows. It having got there by accident, as it was stricken out at my suggestion, as a matter of course. The principles upon which that measure was based were these: first, that all the legal voters of the Territory should have a fair opportunity, free from force or fraud, to elect a convention and to make a constitution;
AND THEN THAT THEY SHOULD COME INTO THE
UNION, UNDER THAT CONSTITUTION, WITHOUT REFERRING EITHER THE CONSTITUTION TO THE PEO-PLE, OR THE QUESTION OF ADMISSION AGAIN TO CONGRESS."

DOUGLAS ENDORSES THE LECOMPTON ELECTION AND CONVENTION.

"Kansas is about to speak for herself through her delerates assembled in convention to form a constitution, preparatory to her admission into the Union on an equal footing with the original States. Peace and prosperity now prevail throughout her borders. The law under which her delegates are to be elected is believed to be just and fair in all its objects and provisions. inhabitants, acting under the advice of political leaders in distant States, shail choose to absent themselves from the polls, and withhold their votes, with a view of leaving the Free State Democrats in a minority, and thus securing a proslavery constitution in opposition to the wishes of a majority of the people living under it, let the responsibility rest on these who, for partisan purposes, will sacrifice the principles they profess to cherish and promote."-[Donglas' Springfield Grand Jury Speech, Jnne 12th, 1857.

DOUGLAS ON THE ADMISSION OF UTAH WITH POLYGAMY, "The Territory of Utah was organized under one of the acts known as the Compromise Measures of 1850, on the supposition that the inhabitants were American citizens, ownposition that the inhanitants were american citizens, won-ing and acknowledging allegiance to the United States, and consequently entitled to the benefits of sufgoverpment while a Territory, and to admission into the Union on an equal footing with the original States so soon as they shall number the requisite population. It was conceded on all hands, and by all parties, that the peculiarities of their religions faith and ceremonies interposed no valid and constitutional objection to their reception into the Union, in conformity with the Federal Constitution, so long as they were in all other respects entitled to admission."-[Donglas' Springfield Grand Jury Speech, June 12th, 1857.

DOUGLAS SAYS SLAVERY IS A CIVILIZED AND CHRISTIAN INSTITUTION.

"At that day the negro was looked upon as a being of an inferior race. All history had proved that in no part of the world, or the world's history, had the negro ever shown himself capable of self-government, and it was not the intention of the founders of this government to violate that great law of God which made the distinction between the white and the black man. That distinction is plain and pal-pable, and it has been the rule of civilization and Christianity the world over, that whenever any one man or set of men us he world over, that whenever any one man or set of men were incapable of taking care of themselves, they should con-sent to be governed by those who are capable of managing their affinis for them."—[Dnoglas Springfield Grand Jury Speech, June 12th, 1857, as published in the Misseari Re-publicant of June 18th, 1867.

DOUGLAS SAYS POPULAR SOVEREIGNTY IS A JUDICIAL OUESTION.

-"He (Trumbull) tried the other day, as these associated with him on the stump used to do two years ago, and last year, to ascertain what were my opinions on this point in the Nobraska Bill. I TOLD THEM IT WAS A JUDICIAL QUES-TION My answer then was and now is, THAT IF THE CONSTITUTION CARRIES SLAVERY THERE LET IT GO, AND NO POWER ON EARTH CAN TAKE IT AWAY; but if the Corstitution does not carry it there, no power but the people can carry it there. Whatever may be the true decisi u of that contitutional point, it would not have affected my vote for or against the Nebraska Bill. I should have supported it just as readily if I thought the decision would be one way as the other. If my colinague will examine my speeches, he will find that deciaration. He will also find that I stated I would not discuss this LEGAL auso man that I stated I would not discuss this LEGAN
QUESTION, for by the Bill we referred it to the Courts,"—
[Douglas' Speech in Senate, July 2d, 1856—Appendix to Cong. Globe, page 707.

HOW THE COURT DECIDED THE QUESTION. THE DRED SCOTT DECISION ON SLAVERY. .

"The only two provisions which point to them, (slaves,) and include them, treat them as properly, AND MAKE IT

THE DUTY OF GOVERNMENT TO PROTECT IT; no other power in relation to this race, is to be found in the Constitution."—[Dred Scott Decision, opinion of the court, page

425, Howard's Report

"The Territory being a part of the United States, the government and the citizens both enter it under the authority of the Constitution, with their respective rights defined and marked out; and the Federal Government can exercise no power over his person or property, beyond what that instrument confers, nor lawfully deny any right which it has reserved.

The powers over person and property of which we speak are not only not granted to Congress, but are in express terms denied, and they are forbidden to exercise them. prohibition is not confined to the States, but the words are general, and extend to the whole territory over which the Constitution gives it power to legislate, it cluding those portions of it remaining under Territorial Government, as well as that covered by States. It is a total absence of power everywhere within the dominion of the United States, and places the citizens of a Territory so far as these rights are concerned, on the same footing with citizens of the States, and guards them as firmly and plainly against any inroads which the general government might attempt under the plea of implied or incidental powers. And if Congress itself cannot do this-if it is beyond the powers conferred on the Federal Government-It will be admitted, we presume, that it could not authorize a territorial Government to exercise them.

And if the Constitution recognizes the right of property of the master in a slave, and makes no distinction between that description of property and other property owned by a citizen, no tribunal, acting under the authority of the United States, whether LEGISLATIVE, Executive or indicial, has a right to draw such a distinction, or DENY to it the benefit of the provisions and guarantees which have been provided for the protection of private property against the encreachments of the Government. Dred Scott Decision, opinion of the cenrt, pages 449, 450 and 451, Howard's report.

DOUGLAS ENDORSES AND SUSTAINS THE DRED SCOTT

The character of Chief Justice Tuney and associate judges who concurred with him require no cuiogy-no vindication from me. They are endeared to the people of the United States by their emlueni public services - venerated for their great learning, wisdom and experience - and beloved for the spotiess purity of their characters and their exemplary lives The poleouous shafts of partisan malice will fall harmless at their feet, while their judicial decisions will stand in all future time, a proud monument to their greatness, the admiration of the good and wise, and a rebuke to the partisans of faction and inwiess violence

* * The Court did not attempt to avoid responsibility by disposing of the case upon technical points without touch ing the merits, nor did they go out of their way to decide questions not properly before them and directly presented by the record Like honest and conscientious judges, as they are, they met and decided each point as it arose, and faithfully performed their whole duty and nothing but their duty to the country by determining all the questions in the case, and nothing but what was essential to the decision of the case upon its merits .-- Douglas' Springfield Grand Jury Speech, June 12th 1857.

"When the decision is made, my private opinion, opinion, all other opinions must yill d to the majesty of that authoritative adjudication. * * * I shall respect that authoritative adjudication.
the decisions of that angust tribunal. I shall always bow in
the decisions of that angust tribunal. I shall always bow in
the decisions of tham. tribunals and constituted authorities on all matters within the hale of their inrisdiction as defined by the constitution. [Dougias' Speech at Chicago, July 9th 1858.

DOUGLAS "DON'T CARE."

"It is none of my business which way the slavery clause (in Kansas) is decided. I CARE NOT WHETHER IT IS VOTED DOWN OR VOTED UP.—[Douglas' speach in Senate, December 9th, 1857, Congressional Globe, part 1, page 18.

On Fathers' table when he died

NEBRASKA AND KANSAS.

SPEECH

HON, CHARLES HAM, OF MASS.

IN THE HOUSE OF REPRESENTATIVES, MAY 10, 1854.

The House being in the Committee of the Whole on the state of the Union-

Mr. UPHAM said:

Mr. CHAIRMAN: In taking the floorat this time. after the body has been in session nine hours and a half, I can assure the committee that it is exceedingly disagreeable to me to make a continued demand upon their already exhausted attention. Having understood, in the earlier stages of the discussion, from the friends of the bill, that an opportunity would be given to all to speak upon the question, I have not allowed myself to be in the way of gentlemen who were impatient to express their sentiments, and should not now engage in the debate, were I not under an impression that some points, vital to the argument, have not as yet been adequately developed. The question ought not to be brought to a final vote without a full comprehension of its real merits, of all its elements, of its origin, history, bearings, and effects. The preeminently distinguished member from Missouri [Mr. BENTON] has touched briefly upon the line of argument which I propose, at some length, to spread out and enforce. The learned gentleman from Virginia, who first addressed the committee to-day, [Mr. Bartz,] also adduced some important facts in support of the views which I propose to exhibit.

I hold, sir, that this bill contemplates, and will, if it becomes a law, constitute a radical and vital change in the policy upon which the Union of these States was originally formed, and by which its affairs have been administered throughout its entire history. It will be an abandonment of the course that has been pursued from the first. The country will swing from her moorings, and we shall embark, with all the precious interests, all the glorious recollections, and all the magnificent prospects of this wast republican empire, upon an untraversed, unknown, and, it may well be feared, stormy, if not fatal sea.

In order to justify and illustrate this view of the proposed attempt to repeal the Missouri compromise, I shall compress into the narrowest possible compass, as the short hour allowed compels, an | was, at that time, the great obstacle in the way of

historical statement of the policy upon which the American Union was founded, to which it has adhered through every period of its existence, which the fathers believed, and found to be, absolutely necessary, and which their sons have faithfully maintained and solemnly reiterated in each successive generation.

The idea of a Federal Union, that is, of a confederation of political communities, each still preserving its distinct existence, was first developed on a limited sphere, and in a very imperfect way, by the New England Colonies, at an early stage of their existence. It was recommended by William Penn in 1700, particularly delineated by Daniel Coxe, an emment colonial politician of New Jersey, in 1722, in his very curious book, entitled "A description of Carolana, by the Spanish called Florida, by the French La Louisiane, with a map of Carolana, and the river Meschacerbe," and first reduced to practice, on a large scale, by Benjamin Franklin. He urged it in publications in the Philadelphia Gazette, enforced in his usual style of practical wisdom and sagacity, and illustrated by a wood cut, representing a snake separated into several parts, with this motto, "Join or die." He succeeded in getting a Congress convened at Albany, at which delegates from seven Colonies were present, that is, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and Maryland.

This first attempt of a general North American Union occurred in 1754—just one hundred years ago. Nothing of importance immediately resulted from the meeting, except the idea which it suggested to the general sense of the country, that

such a union was practicable. As the revolutionary war came on, the Colonies, As the revolucionary war cane on, inc coonies, rising to the great encounter, at once resorted to a Confederation. While the war continued the external pressure kept them together; but the moment that pressure was removed, the conception of the confederation would be difficult, if not measure, to hold them together.

The historical factorical for the confederation of the confederation

union, is what I desire, as the first point in my argument, to impress upon the committee.

We sometimes hear the sentiment expressed, that the excitement and disturbance produced by the slaves the slave size of the slave size of

In his notes of the debates of the Federal Convention of 1787, Robert Yates, a delegate in that body from the State of New York, quotes Mr. Madison as having used this language:

"The great danger to our General Government is the great southern and northern interests of the continent being opposed to each other. Look at the votes in Congress, and most of them stand divided by the geography of the country, not according to the size of the States."

The conflict between the two sections of the country has never reached a greater height than in that very convention. I believe the nearest approach to an absolute rupture, in our day, was a few years ago, when Delegates in these Halls from the South threatened, in a certain event, to withdraw from their seats, return to their several States, and set up for themselves.

Mr. Madison informs us that the following passage took place in the convention of 1787, on the 12sh of July, 1787, on the question of the basis of representation of the southern or slaveholding States in the popular branch of Congress:

"Mr. Davie, a delegate from North Carolina, said 'it was high time now to speak out. He saw that it was meant by some gentlemen to deprive the southern States of any share of representation for their blacks. He was sure that North Carolina we them. It leads, as three fifths. If the eastern States meant, therefore, to exclude them altogether, the business was at an end.

the business was at an end.

"Gouverner Morris, a delegate from Pennsylvania,
suid, in reply, that 'he came here to form a compact for
this good of America. He was ready to do swith all the
Stales. He hoped and believed that all would enter into
such a compact. If they would not, he was ready to join
with any States that would.

Whoever examines the Madison papers, and other memorials of that day, will admit, at once, that the struggle between the two sections was as strenuous then as it has ever been, and will concede the next point I desire to make in my present argument, namely, that the Constitution never could have been adopted by the States, or even framed by the convention; the present Government could not have been established, nor even the Confederation long been maintained, had not certain compacts and mutual engagements been arranged and solemnly agreed to, to be forever binding between and mon the two great sections.

and upon the two great sections.

I now desire, Mr. Chairman, in the spirit of calm and impartial history, to present to the committee a brief statement of those compacts and engagements, air, and the statement of those compacts and engagements, air, and the statement of those compacts and engagements, air, and the statement of those compacts and engagements, air, and the statement of those compacts and engagements, air, and the statement of th

founded—under which we have grown to our present greatness as a first rate power—by vitue of which a comprehensive patriotism, even now, in this moment of controversy, binding our hearts together on this floor as the representatives of one mighty people, has warmed into a generous, and noble passion, but all of which, as I shall finally show, you are about to eradicate and cast away forever by the passage of this bill.

At the close of the revolutionary war, after a sharp and persevering contest, and the failure of some other proposed methods of valuation, it was agreed, in the old Congress, on the 1st of April, 1783, in apportioning the general burdens upon the different States, to adopt population as the basis, and count only three fifths of the slaves. On the final question establishing this ratio of slave enumeration, Rhode Island voted mo. Massachusetts was divided. All the other States voted age.

setts was divided. All the other States voted aye.

This was the first compromise ever made between
the slaveholding and the free States.

On the 1st of March, 1784, Virginia executed a cession to the United States of her territory north and west of the Ohio river, comprising an area greater than all that remained to her, that igreater than the present States of Virginia and Kentucky. The other States having proprietary interests there followed the wise and liberal example of Virginia. The whole territory northwest of the Ohio river thus became the common property of the United States in Congress assembled. It was all the territory they then possessed in common, and all that any one imagined,

at that time, they ever would possess.

The possession of territory in common is contrary to the genius of our Federal Union, and necessarily involves the two sections of the country in conflict. The question is-not whether slave labor shall go with free labor on equal terms into the common territory, but-it being well understood then, and as all subsequent experience has constantly demonstrated, that they cannot possibly both go, as one or the other must necessarily be excluded—whether the territory shall be occu-pied by free labor or by slave labor. The issue was at once made. A struggle forthwith arose between the two sections which form of labor should occupy and possess the Northwest Terri-The struggle continued for years with unabated energy and determination, and never could have been arrested, had not a compromise, in the nature of a solemn and perpetual compact, been agreed upon by the parties.

In order that this great compromise, which was the basis on which the American Union was constructed—the only basis upon which a Union could have been formed, but which the Nebraska bill not only violates, but utterly repudiates in express terms—may be understood, I must be allowed, at this point, to go somewhat into detail.

allowed, at this point, to go somewhat into detail.

Immediately after the Northwest Territory had
become the property of the United States, in Congress assembled, that body applied itself to provide for its settlement in dorganization. Reports
and bills we settlement in for the management and
disposal of its lands, and for the institution of
civil or the state of the state of the control of the control

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Island, reported a plan for the temporary government of the Western Territory. The report was written by Jefferson, and contained the following provision:

"After the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been per-

sonally guilty."

On the 19th of April, 1784, this proposition of Mr. Jefferson was voted down. On the 16th of March, 1785, Rufus King, a Delegate from New York; renewed the proposition, but it met a similar fate. Any one who examines the Journals, will see that the question thus raised, namely, whether slaveholders should be allowed to go into the common territorial possessions of the United States carrying that species of property with them, and holding it there, defied the solution of the old Congress, and that for three long years, in unintermitted session, that body made no approaches whatever towards its settlement; the two sections of the country stood arrayed in unwavering and immutable opposition to each other.

In the mean time the Confederation was growing more and more feeble and inadequate to its objects every day. The experiment of a Government embracing all the States, under an efficient Administration, was evidently beginning to fall. In this crisis a convention was called to devise a firmer union, and organize a government that would hold the States together, and save the country from dismemberment and ruin.

The convention assembled in Philadelphia on the 14th of May, 1787. The Congress of the Cong federation was sitting at the same time in New

York.

The antagonism between the slaveholding and free States was found to be as irreconcilable and immitigable in the convention as in the Congress. It soon became evident that neither body could

solve the problem.

The question of the estimate to be made of slaves, and which, in reference to taxation, had been adjusted in the manner I have described several years before in the old Congress, came up again in the convention in another bearing. It was necessary to arrange a basis for a House of Representatives. It was admitted that population was the only practicable measure that could be devised; and the question was, how shall slaves be counted in apportioning representation in the House? When taxes were to be apportioned upon population in the old Congress, the southern delegates had maintained that slaves were mere property, not persons, and therefore not to be counted at all. The northern delegates had contended, on the other hand, that they were not property, but persons; and that, therefore, they all ought to be counted. But when, in the convention, political power was to be apportioned in a House of Representatives, both sections at once reversed positions. The South contended that slaves persone, and ought all to be counted; and the North insisted that they were mere property, and ought not to be counted at all! Both sides adhered to their ground with unyielding pertinacity. Months passed after months, but no progress was made in the work of conciliation-nothing was settled, and nothing touching at all the points of difference appeared to be in the way of approaching a settlement.

The two bodies continued their unavailing labors the old Congress in New York, the convention in Philadelphia. The great obstacle to an adjustment was the very question now before us. slave States claimed the right of going with their institution into the Northwest Territory. I do not think that any one then took the ground of "squatter sovereignty." That is a discovery of the political luminaries of our day. But the general right, upon the principles of equal justice, contended for by my honorable friend from North Carolina, [Mr. KERR,] of a slaveholder to go with his slaves into the common unoccupied territory of the Union, was persisted in by the southern delegates; and, surely, with as good reason then as now. The largest part of that common terri-tory originally belonged to Virginia. She had just ceded it, as a free gift, to the United States. It was hard to deny to Virginians the right of crossing their own Ohio to its opposite bank, into what but a few days before had been their own territory, with their personal and domestic prop-But the people of the free States were then resolved, as I believe they now are, and trust they ever will be, that this continent shall not be enveloped in slavery, and that a limit shall be put to its extension. The controversy was irreconcilable.

I maintain, looking at the subject not as a politician, but as a historian, that the Constitution could not have been formed, the Confederation could not have been preserved, and the States could not have continued under one government, had not a compromise in the nature of a compact been made. Such a compromise or compact was made. It is the basis upon which the Constitution was constructed, and on which it has stood from that day to this, but which the bill before us proposes to repudiate, repeal, annul, and over

throw.

The secret history of the transaction is not yet revealed-perhaps never will be. The facts, so far as they are yet known, are these: On the 9th of July, 1787, in the old Congress, the subject of the establishment of a civil government in the Northwest Territory was again taken up, and referred to a committee of five, of which Nicholas, of Virginia, was chairman, and Nathan Dane, of Massachusetts, a member. On the 11th of July, only two days afterwards, this committee reported the celebrated instrument since known as the "Ordinance of 1787." It contains the clause forbidding the extension of slavery into that Territory—the very clause, substantially, which Thomas Jefferson had endeavored in vain to persuade the same body to adopt; which Rufus King had also advocated in vain; and which, for more than three years, the slaveholding representatives had constantly resisted, with prompt and inflexible determination and unanimity. But now, the very next day after it had been reported, they unanimously and instantly accepted and agreed to it—every Southern vote stands recorded in the affirmative; indeed, every vote, North and South, except that of a single delegate from New York, Robert Yates.

Why this sudden, utter, and universal change? It was because there was attached to the restriction an obligation on the part of the States that might be formed within the Territory, to permit the reclamation of fugitive slaves—an idea not broached before in either the Congress or the con-

vention, and not known to the law of nations or the comity of States. It was evidently the consideration offered by the fire States to the slave States, and accepted by the latter, as an equivalent for their relinquishment of their claim of right to carry their institution into any part of the common territorial possessions of the United States.

This arrangement at once removed all obstacles out of the way of establishing a union under the Constitution; forthwith everything went on harmoniously and rapidly towards a satisfactory adjustment of every question in the Congress and in the convention. Without further delay, it was admitted, all around, that the measure adopted, when burdens were to be imposed, was no n ore and no less than just, when power was to be listributed, and the three fifths ratio was agreed to, in the enumeration of slaves in the population basis of this House. The grant of power to Congress to prohibit the importation of slaves after 1808, and to levy a tax upon them in the mean time, was also agreed to. The South relinquished all claim to carry slavery into new territory, thereby patting limits to its spread, and consented to allow a limit to be put to it, in time, by authorizing the importation of slaves to be taxed, and, after a specified date, prohibited. The consideration paid by the free States to the slave States for these concessions and restrictions, was agreeing to allow that species of property the special privilege of representation, and to suffer the reclamation of fugitive slaves.

But this latter obligation stands in particular and special relation to the non-extension of slavery. It is the equivalent paid by the free States to the slave States, in consideration of the abandonment by the slave States of all claim to extend their slavery beyond their own limits.

The two ideas are inseparably linked together in the ordinance of 1787.

"". Article the nieth—There shall be neither slawery nor involuntary servitude in the said Territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted. Procided along, That any person excaping into the same, from whom labor or service is lawfully claimed in any one of lise original States, such figuitive may be lawfully reclaimed and conveyed to the person claiming his or hey labor or service as aforesaid."

So far as States might rise within the limits of the Northwest Territory, the arrangement was made unalterable and perpetual by the express language of the ordinance.

"It is hereby orderined and declared by the authority a foresaid, That the following articles shall be considered as arficles of compact between the original States and the people and States in the said Territory, and forever remain unalterable, unless by common consent."

The Constitution of the United States impressed the seal of its sanctity and inviolability upon this compact by ordaining (art vi, 1st paragraph) that "engagements entered into" before its adoption, "should be as valid against the United States, under this Constitution, as under the Confedera-

I hold, Mr. Chiarmen, that no man can study interested in the settlement of the Northwest Terested for the covered wagon, in which he started gain, compromise, compact between the two great sections, was, that the South would not attempt to carry slavery introduced the two prest to carry slavery introduced the covered wagon, in which he started wagen, shat the South would not attempt to carry slavery introduced to form his village home in Massechusetts to found Marietta, the imperial State of Ohio was wrapped in the species of protection over that species of projection over that species of projection over the spe

so long as it might last, particularly in allowing the recovery of fugitive slaves within the limits of the free States.

It is true that but one side of this bargain or contract was received into the written text of the Constitution. The reason of this is obvious. The consideration paid by the South, that is, the re-linquishment of the common territorial possessions of the Union to freedom, was already fully executed and discharged. Slavery was restricted from ever entering the Northwest Territory, by solemn compact, underlying the Constitution, and made forever binding by its express provisions. The matter was forever settled and wholly disposed of, and there was no occasion to insert it in the Constitution. But the consideration agreed to by the free States, was to find its execution in the indefinite future, and was to bind them through all subsequent time-namely, the obligation to suffer the reclamation of fugitive slavesand that, with propriety, was inserted into the text of the Constitution. No one then dreamed text of the Constitution. that there would or could be any other territory, owned in common, than the territory northwest of the Ohio, and the Constitution contains no provision and no authority for the acquisition or the possession of any other territory.

The committee will perceive that the viewal I entertain of the subject, whose history I have analyzed and spread out to their contemplation, lead me to regard every attempt by the slave States to extend their institution into use territory, as violating and destroying the moral force of the compact by which the fugitive slave provision of the Constitution was made binding upon the free States.

The committee will suffer me to say that, perhaps, I should not have felt constrained to enter into this protracted debate, had I not conceived the district which I represent on this floor to be particularly responsible for the great compromise, or interchange of equivalent obligations, between the North and South, on which, as I have shown, the Union and the Constitution rest. Massachusetts was represented in the old Congress, in July, 1787, by but two delegates, both of whom resided almost in sight from my doors-Samuel Holten, of Danvers, afterwards a member of this House, under the Constitution, and NATHAN DANE, of Beverly. The unsurpassed legal learning of the latter enabled him to draft the immortal ordinance of 1787, in its final shape, as one of the committee of five that reported it. He was responsible for the arrangement that terminated the conflict between the two sections of the Union. Besides them there was another distinguished person, whose name sheds lustre upon the annals of the county in which I reside, and the district I have the honor to represent in this House. Manas-SER CUTLER, of Hamilton, Massachusetts, was in New York, at the time, in attendance upon the old Congress, and urging the settlement of the territorial question. He had before become deeply interested in the settlement of the Northwest Territory. It has been well said, that beneath the shelter of the covered wagon, in which he started from his village home in Massachusetts to found Marietta, the imperial State of Ohio was wrapped establishment of the Constitutiun, he became a member of this House, from the district I represent. As a naturalist and a man of general science, he has had few superiors in our history. He was more than a statesman. He was the founder of a State. The sixth section of the ordinance of 1787 was, I have no doubt, the result, in part, of his exertions; and, as his successor on this floor, I have felt it my duty to explain it in this debate.

But I must hasten on to the subsequent epochs in our constitutional history at which compromises or compacts were made between the two great sections. I shall not enter into the details of the Missouri compromise-that has been, and will be done, by others. Suffice it to say, in continuation of my argument, that, in my view of the transaction, the Missouri compromise was a renewal, on another sphere, in reference to a territory that had become the common property of the Union by subsequent events, of the great compact of the ordinance of 1787. It was so not only in spirit, but to the very letter. As in the beginning, the desperate and well nigh fatal struggle between the two sections was brought to a favorable issue, in the only practicable way that is, by fixing a line; beyond which slavery could not go, and placing the free States again under the bonds of the fugitive slave obligation. The bed of the Ohio river had been the boundary originally agreed upon in 1787, as the line, east of the Mississippi, beyond which slavery could not extend.

As no such natural demarkation existed to the west of that river, a parallel of latitude was adopted; and as Missouri, where the right to hold slaves had accrued to actual proprietors under the treaty of cession from France, was nearly all above the parallel of the mouth of the Ohio, in order to make an equitable partition, the parallel of 360 30', which is lower than the mouth of the Ohio, was adopted, from the western border of the Missouri, over the territory ceded by France. country above that was then a wilderness. slave property rights had accrued there, and the adjustment was a proper one, and, in due time, acquiesced in by the whole country. The restriction of slavery north of 360 30', and the fugitive slave obligation, are coupled together in the Missouri compromise act, precisely as in the ordinance of 1787. Indeed, the eighth section of the act admitting Missouri, which is the compromise, is, mutatis mutandis, a literal copy of the sixth article of the ordinance of 1787. It is in these words:

"And be it further enacted, That in all that territory coded by France to the United States under the name of Louisiana, which lies north of 35° 30' north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be, and is hereby, forever pro-hibited: Provided always, That any person escaping into the same from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as alorestid."

Finally, the compromises of 1850 were based upon the same principle of a territorial arrange-ment and demarkation. They indorsed, in emphatic language, the Missouri compromise, pro-jected the line of 360 30' over territory to which it did not extend before, admitted California as a

free State, although running below 360 30', but made up for it by allowing slavery to get into Utah and New Mexico, if it could; and reimposed with, as many of us then thought, and still think, an unnecessary and uncalled for harshness, not to say inhumanity, the fugitive slave obligation upon the free States.

I have now shown, Mr. Chairman, that the restriction of slavery in the Missouri compromise, instead of being, as some maintain, unconstitutional, is the very principle upon which the Constitution was established. The compact, which it renewed and extended, is the solid basementstory upon which the whole structure stands. The spirit and essence of that compact run through the entire constitutional history of the country. You can trace the genius and the hand of the Constitution, in this feature of our political system, from turret to foundation-stone. The bill before us repudiates this fundamental principle.

A GENTLEMAN interrupting. Then why not extend it to the Pacific?

Mr. UPHAM. I did not mean to say a word on that subject; but I must protest, with all possible deference to my excellent friend who has introduced it, that I am filled with amazement, and have been during all the debates which have taken place upon this question, to hear gentlemen who advocate this bill upon the ground of congressional non-intervention, complain of us because we did not run the line of 36° 30° to the Pacific ocean, when it would have cut a sovereign Common wealth in two, and have made an act of Congress ride rough-shod over a State constitution that had just been established. [Applause.] So far, sir, from the Missouri compromise line

being unconstitutional, the principle it evolves is absolutely demanded by the very nature of the Federal Union, under the Constitution. As I have intimated before, there is not only no constitutional provision for Territories in common, but they bring our system at once into disarray and disorganization; this is a confederation of two conflicting interests, free labor and slave labor. Those interests cannot possibly be both adjusted to the same common territory. That was demonstrated at the beginning. The Constitution could not have been formed until the territorial question had been first disposed of by the ordinance of 1787. If new territories come in, they, too, must be disposed of, severally, to one or the other of the two interests; the spirit that presided over the birth of the Constitution demands it. In other words, a line of division and demarkation, such as the Missouri compromise, is absolutely required by the genius of the Constitution, and is, in fact, the only wise, just, and practicable solution of the great difficulty in the way of the preservation, in peace and harmony, of the American Union

In another point of view, a line of demarkation, dividing the common territory between these two sections, is required by the nature of the Constitution. A territory in common is an anomaly in our system. That system knows only the States separately considered and the States united; a common territory is necessarily extraneous to, and outside of, the system. It compels the Government to operate beyond its appropriate sphere. If new territory is acquired by conquest or annexation, the genius of our form of government requires, to prevent trouble and mischief,

that it be at once divided and distributed, according to some just arrangement or method of apportionment, to the several members of the Confederacy, each State to take its share under its own jurisdiction, and extend over it its own laws and institutions. This, however, would be, practically, very inconvenient; the States would be separated, many of them by wide distances, from the districts allotted to them, and free States and slave States would be badly mixed up together. The only practicable division, in accordance with the nature of our system-the only really constitutional arrangement, is to draw a line centrally across the map, as was done in the Missouri compromise act.

In view of these considerations, I hesitate not to say, that instead of the Missouri compromise being unconstitutional, the Nebraska and Kansas bill is itself in more complete and utter antagonism to both the Constitution and the Union than any measure ever proposed to an American Congress.

Mr. Chairman, there is more than poetic felicity, there is a grand and sublime significance, in the sequence of the great epochs that mark our Union and constitutional history. As I observed at the commencement of my argument, just one hundred years ago, in the Congress at Albany, in 1754, the first feeble attempt was made of a general American union. Thirty three years afterwards, in the Congress and in the convention of 1787, the work was consummated on the basis I have described. Thirty three years after that, in 1820, the same great process was repeated by the enactment of the Missouri compromise line; and when, just thirty-three years more having passed over us, President Pierce took the oath of office, on the eastern front of this Capitol, it was again proclaimed to the world by the American people, speaking through his election, as that event was speaking through his election, as that event was then understood by those who had brought it about, that the conflicting interests of the two antagonist sections of the Union were adjusted finally and forever. The several successive generations, as they crossed the stage of life, thus solemnly reaffirmed the compact which you now propose to repudiate. Dissent has, in each instance, gradually, sunk to silence, and the whole country acquiesced. [Applause.]

In that spirit we came logether at the opening of the present session. The Representatives on this floor of the whole American people-we met as a band of brothers-the most harmonious Congress ever assembled under the Constitution. As my eloquent friend from Illinois [Mr. YATES] said, there was no North, no South, no West, no East, but one undivided America. We met to devise and carry through wise, comprehensive, and truly measures; to promote the welfare of the whole Union; to develop with fostering care the vast and diversified, but to a great extent, still latent resources of the continent; to spread cultivation and civilization over its central wastes; to bring together its opposite shores, linking them by the iron rail and magnetic wire in near and in-dissoluble union; and thus to grasp the com-merce of the world, waiting to fall into our hands, if we will but stretch them forth to the Pacific coast. Our harmony is turned into confusion, and a fatal paralysis has crippled our legislation. Never did such a sudden, never so ruinous a change come over the affairs of a nation, and all in consequence of the encouragement which has been given to the renewal of the slavery agitation by those whose duty and whose interest it was to have frowned down, at once, the authors of this

untimely movement.

Mr. Chairman, I resist that movement, because that the only power that can be relied upon to bear an individual or a people onward and upward is the power of good feeling. The law of love that rules the spheres of the universe, and the councils of Henven, is the law which every wise man and true patriot ought to bring to bear upon the legislation and administration of his country. Following the guidance of this SUPREME sentiment, I have done my utmost, in the humble sphere in which I have moved, to prevent alienation between the different sections of this Confederacy, and to maintain the compromises upon which the Constitution was founded, and the Union has been preserved. I would have a kind, charitable, and generous feeling pervade the whole land-the points in which we differ kept out of sight, and our thoughts and affections concentrated exclusively upon the common glories of the whole Republic, and the special distinctive excellencies of its various parts. Many of my earliest and dearest friends have their homes in the South. All of us have felt during the short months of our acquaintance here, a warm and strong attachment growing within us, and binding members from the most distant lines of latitude and longitude by ties of personal affection. Let southern votes extinguish this Nebraska firebrand-let southern Representatives tread it out beneath their feet on this floor-and then the amiable, genial, and noble process of fraternal good feeling will again go on, binding us and the people we represent in the perpetual bonds of union, harmony, and happiness. Before such a spirit, radiating from this national metropolis, and pervading the country, every evil and every wrong will me taway. [Applause.]
But if you pass the bill, or if it is defeated, in

spite of the combined southern vote, there will be an end of all compromises. Some of them may remain in the letter of the Constitution, but it will be a dead letter; their moral force will be gone

forever.

The honorable member from South Carolina, [Mr. Brooks,] to whose frank and manly speech we listened with so much interest some weeks since, intimated that perhaps it would be well to abandon the policy of compromises, and for the two great conflicting interests to meet face to face, and end the matter at once. I have suggested the reasons why, heretofore, I have contemplated such an issue with reluctance. But if the South

say so, so LET IT BE.

Southern gentleman have expressed, in the course of this debate, reliance upon a conservative class of our northern people, who, they flatter themselves, will come to their aid in this controversy. Let me assure them that no such class of men can be found now. Those persons who have been most steadfast in standing by the rights of the South, under the compacts, are the most wounded, the most justly incensed, at this attempt to repeal and repudiate a solemn compromise. Heretofore the South has profited by our divisions. Those divisions have arisen, to a great degree, from the restraining and embarrassing influence

of obligation on our part to adhere to ments, and stand up to the bargains the fathers, and renewed, as I have each succeeding generation. But let gements be violated, let those bargains by the South on the ground of unconty, or any other pretense; from that North becomes a unit, and indivisible; hour "northern men with southern will disappear from the scene, and the gh-faces be extinct forever.

hreaten. I pretend to no gift of proph-man can interpret the gathering signs s. All can read the handwriting on the very intimation that the Missouri comproposed to be repealed by southern

votes, in defiance of the protest of four fifths of the northern Representatives, has rallied the people of the free States as they have never been rallied before. Their simultaneous and indignant protests pour in upon your table, in petitions, resolutions, and remonstrances, without number and without They are repeated in popular assemblages from the sea-shore to the Rocky Mountains, and in the newspaper press of all parties, and all creeds,

and all languages.

You have united the free States, at last, by this untimely, unprovoked, and astounding proposal. If you execute it by the passage of the bill, they will be united forever, in one unbroken, universal, and uncompromising resistance of the encroachments of the slave power everywhere, and at all points, whether north or south of 360 30'. unalterable determination is heard over the whole breadth of the land; rising from the shores of the western lakes, the thunder tones of an indignant people roll over the continent; they sweep through the valley of the Connecticut, encircle the shores of Rhode Island-the early and constant homes of freedom-and the sandy cape of Massachusetts, which welcomed the Pilgrim to his first refuge and rest, and they reverberate among the granite peaks of New Hampshire. Mount Washington proclaims, and Jefferson and Adams echo it back from their venerable summits, " WHAT HAS BEEN PLEDGED TO TREEDOM SHALL BE FREE FOREVER."

I should be glad, Mr. Chairman, to consider some other points involved in the measure before us, but my limits are nearly reached. I cannot, however, refrain from saying a word on onethe doctrine of congressional non-interference much panegyrized by the friends of this bill. regard it, sir, as the most anti-republican doctrine ever broached in this country. It would bring our Government into parallelism with the monarchies of the Old World. It would clothe our Executive with the prerogative of Crowns. The sovereigns of England granted charters, and exercised imperial control over subject Colonies, without the consent or cooperation of Parliament. Our Territories or cooperation of Parliament. Our acritories are to be placed beyond the reach of the representatives of the people in this House, and the representatives of the States in the other branch, so far sethey are legislators. The legislative department of the Government, is not to have any influence of the control without any the infeat Republica. or control whatever over the infant Republics about to rise in our boundless territories. They are to be kept under the imperial hand of the Executive. He is to appoint, by the advice and consent of the Senate acting as his privy council, their governors, judges, marshals, and other offi-This idea, gentlemen, is suggested for your consideration, as the Representatives of the people of the United States, and the guardians of the rights of the legislative department of the Government.

I have but one more duty to discharge. months since the gentleman from the State of Pennsylvania [Mr. Florence] obtained the permission of the House to introduce a memorial from the Society of Friends, in a portion of the middle States, in which they protested against the passage of the Nebraska bill. The House granted that permission, though they had established a rule by which the memorial should have come in in another way. I have been waiting until resolutions should be in order from the State of Massachuseus, and intended then respectfully to ask the House to extend to me the same courtesy as to the member from Pennsylvania, and to allow me to perform the same office for the Friends of New England which that gentleman was allowed to perform for the Friends of Pennsylvania. For this purpose it was my intention to have asked a suspension of the rules. But now, gentlemen, I will make that memorial a part of my speech, and print it as such. I feel honored in appearing for the Society of Friends, "good men and true, peaceable, virtuous, and conscientious, not politicians, not identified with parties, but standing on a platform higher than parties have ever reached—and by presenting, in my place, the following memorial, to have secured to the Friends of New England as respectful and public a hearing as has been given by the House to any description of the citizens of the country.

To the President, Senate, and House of Representatives of the United States:

The Memorial of the Representatives of the Yearly Meeting of the Society of Friends for New England, respectfully showeth:

That, being assembled at the present time for the dis-That, being assembled at the present time for the dis-clarge of those duties which, as we believe, are connected with the welfare of our religious body, and for the support of those principles and testimonies which are inculeated by the teachings of our adorable Saviour and his aposites, we have been deeply and sorrowfully affected, in view of the bills now under consideration in Congress, by which, in this exabilishment of new territorial governments, it is proposed so to legislate that the area of our country into which slavery may be introduced shall be extended.

It is, we trust, well known to you that the Society of Friends throughout the world has long believed itself re-quired, as a religious duty, to testify against slavery—that no one can hold his fellow-man in this bondage and remain a member of our Society; and that we bear our testimony against it on religious grounds, irrespective of any political

party or organization.

We desire, very respectfully, to address the rulers of our land, and to be permitted, as a religious duty, earnessly to plead with them not to sanction by any act of theirs the ex-

tension of slavery in our beloved country.

We fervently crave that the injunction of our Saviour "to do unto others as we would have them do unto us," may in all their legislation be felt to be of universal application

in all lineir registation be reft to be of universal application to all classes of our fellow-men, and that they may ever feel hat it is righteousness that exalteth a nation. We would not weary you with many words; but permit us to express our earnest desire and prayer, that you may seek in your deliberations for that wisdom which is from Him who hath made of one blood all the nations of men to dwell on the face of the whole earth, and that, acting in His fear, you may, individually and collectively, witness his blessing to rest upon you. Signed by direction and on behalf of a meeting of the rep

resentatives aforesaid, held in Providence, Rhode Island, by adjournment, the second day of the second month, 1854.
SAMUEL BOYCE, Cierk.

THEY "STOOP TO CONQUER;" OR, THE ENGLISH SWINDLE,

SPEECH

SENATOR WADE, 0F

Delivered in the United States Senate, April 27, 1858.

has been so elaborately discussed, to detain the Senate at any length by anything that I may have to say at this period of the debate. But, sir, we have now before us, as we are told, a new proposition altogether. We are told that t is in the nature of a new bill, having but very little connection with anything hat has preceded it. I must confess hat I am astonished at the nature of the proposition which the gentlemen comosing the committee of conference have brought in for our consideration. rammelled as the committee seem to have een by anything that has been donethey say-and being about to initiate new proposition altogether, the fact hat their minds should have fastened pon such a thing as this, is well calcuted, I think, to surprise anybody. If ustice, right, and equal regard to the stitutions of the South and of the orth, were to be considered by that mmittee, it appears to me that an un-histicated man might, in five minutes, lave brought in a proposition against which there would have been no dissentng voice in either branch of your Legisature.

We had been divided here upon ques-್ಯಾ ಚಿತ್ರಚಲಿ ರತ್ಮಕ್ಕೆ ಮಿ ಜಾ ಕ

Mr. President: It is not my purpose the people, acting through the forms of at this time, after the general question law, had framed a Constitution which ought to be obligatory. On the other hand, that Constitution was assailed here by the Opposition, upon the ground that it was an utter perversion of the will of the majority of the people of Kansas; that it was got up by trickery and by fraud, and that the majority of the people ought not to be governed by it. Thus we were at issue upon this thing called the Lecompton Constitution. A portion of the people had called a Convention, which framed this instrument, and called it a Constitution. The people had previously met and framed another Constitution, which they called their Constitution, and which they said embodied the will of the great mass of the people of Kansas. allude to the Topeka Constitution.

Now, sir, when this committee were about to pass by all the propositions that had gone before, and to substitute a new bill, how easy it would have been for them to say, in perfect justice and fairness to all, "we will not take the first Constitution made at Topeka, because it is denied on the other side to be the will of the people; we will not take the Lecompton Constitution, because it is alleged to be fraudulent, and not to embody the will of the people; but we will throw ions with regard to the will and wishes both aside, and we will provide, under of the people of Kansas as to the Con- every safeguard that can secure an hontitution under which they should live. est and fair election, for submitting this t was contended on the one side that complicated and vexatious question again

to the people, and they shall be at liberty to frame their Constitution." For that purpose the committee might have selected any precedent they wishedthey might have taken the enabling act for Minnesota, or any similar one, and they would have found no objection to it. We should all have voted for a proposition of that kind, just to all parties; we should have permitted the people to come up now fairly to the work of framing a Constitution; we should have said to them, "make it republican in form; submit it to our consideration; and if we find it to be such, we will admit you with it ??

Why did it not occur to this committee that that was the way to settle the controversy, if a settlement of it was in-deed desired? The proposition which they have made, while it seems to me in a certain aspect to be humiliating to the South, is unjust, if not an open insult, to the North. It is humiliating to the South because it is a total and entire abandonment of the principle on which many of them staked their determination not to exist in the Union at all; for they said, "let us have the Lecompton Constitution, or we will go out of the Union ourselves." That proposition they have surrendered; they have given it up; they do not pretend that they can stand by it, unless it is in some sort submitted and thrown back to the people to pass upon. So far it is right; so far it is just; and I was glad to see the committee yield thus, far to the reasons and arguments which had been addressed to them, showing that their Lecompton concern was fraudulent; that it did not embody the will of the people; that it was a fraud; and that their legal position was fraught with tyranny and danger in all subsequent time. That position has been repudiated and abandoned by them. hear no more of the omnipotence of Conventions assembled to frame Constitutions. We hear no more of their being armed with supreme power to put upon the necks of a people just such a Constitution as they please, without the people having power to get rid of it. That

ears from Southern gentlemen day after day, but a little while ago. Now they have thrown this absurd position to the winds, and I thank God for it. seem to admit that the people, after all, must have the right, in some shape, to pass upon the institutions under which they are to live. So far, it is a great improvement on the Lecompton concern. But if the people are to pass upon the Lecompton Constitution, why not let them do it directly? Will any man be deceived by the verbiage in which this proposition is couched? Have you not left the people to pass upon it? If so, why not submit it in such a plain and fair manner that the people can all understand it?

Sir, this proposition reads upon its face as though it was a premium for votes. Are the people to vote directly upon the Constitution under which they live? Not by any means, but they are to vote upon a grant of land; they are to vote whether they will accept a gift from the Government of five or six million acres of land; and if they decide to take the land, that decision is to drag after it the Lecompton Constitution, that they have repudiated over and over again. ever any such thing as this concocted by a statesman, for the action of the people? Is a land grant the principal thing in framing a State Constitution? Sir, it seems to be a bid of land for liberty, a bribe held out. " will you, people of Kansas, surrender your liberties for land?" That is the question; it cannot be disguised. pugn directly the motives of no man, but I state what the effect of this action will be. How will it appear to the world, say what you will about it? If the people will vote themselves so much land, then they surrender themselves to a slave Constitution, which you and I know they have repudiated over and over again. It is not competent for me to state the motives which have prompted to such action as this; but you vote for the incident, and the principal is to follow. How absurd and inconsequential! Why, Mr. President, if I should make just was the position we heard rung in our such a proposition as that, to obtain your

come out to the world that I had done it, I presume every just-minded Senator here would vote promptly to expel me from the body, as unworthy of a seat in it. The offer is: "So much land if you vote for this Constitution; if you vote against it, you shall have neither land nor any-

thing else." Mr. President, I recollect well that in the course of some observations which I made not long ago, you, sir, [Mr. Biggs in the chair, put the question to me: Suppose a slave Constitution were presented to Congress, would I vote for it? I recollect well the answer I made to you, and your apparent surprise at the absurdity of the answer. Yet I find the President of this body to-day assuming my position, and voting for the same proposition, only reversing its applica-I would not vote for the admission of a slave Constitution; nor will you vote for a free one. I do not complain of you; I cannot complain of you, because I occupy about the same ground that you will do an hour hence, when the vote is taken, except that practically our positions are reversed in the application of them. You come from a slave State, and I from a free State. country will understand the positions we all occupy on this subject, and I do not care how soon they are understood by

Mr. President, it has been sought to break the force of the objections to this scheme by saying that there was uncertainty about the people of Kansas accepting the grant proposed in your original bill. This is a strange apology, and it comes at a strange and an unfortunate time. Sir, do you not know that the subject was mooted in the Committee on Territories, and it was said that no kind of objection could arise from any such thing; that we had a right to modify the ordinance, and make what grant of land we pleased to the Territory; and if they rejected the Constitution on account of our not giving them as much as they thought they were entitled

vote upon a private bill, and it should ganizing under it, subject to the provision we had made, that was an end of it? How happens it now that you make this whole controversy turn, as it were, on the uncertainty whether the people will accept a donation such as you have made to every other State? Why in the name of Heaven is it now paraded here as the main reason why you have reversed your action?

Mr. Green. The Committee on Territories never did say that it was the right of the committee or of Congress to dictate the terms upon which the State should be admitted. They have always claimed that; but on the question of contract on the subject of lands, it was The formation matter of agreement. and adoption of a Constitution, the committee held, was a question with which the Senate and House of Representatives had nothing to do; and that has been the point all the time. I think, therefore, the Senator does injustice to the committee when he says that they thought the subject of the grant of lands was a proper matter for the consideration of the Convention of the Territory. Not so; it is a matter of agreement, proposition, acceptance; but the Constitution is a different thing; that is a finality already.

Mr. WADE. I do not deny that. That is just exactly what we did agree. We agreed that it was a proposed compact, and that if the proposition on our part should be accepted by the organization of a State Government under it, it would be very well, and their action under it would show their agreement to our proposed contract. That is what we agreed to in committee, and it is a sound principle of law; and the idea of repudiating it is not twenty-four hours old. That is how we agreed; and yet the Senator from Virginia rises here, and, to apologize for this misshapen production of the committee of conference, makes it all to turn on the uncertainty of whether the people of Kansas would accept this proposition. I might ask that Senator, or any other who has had anything to do to, they would not be a State; but if with this subject, if that matter labored they accepted the Constitution by or- in your mind, how in the name of Heaven

did you suffer your Lecompton bill to be | Halls, begging men to vote for a miseraing the great difficulty which must inter- have always hoped heretofore that they you to surrender all you had done, and that could not stand out in open day. 1 not apprehend any such thing, as you went on with your Lecompton bill. The Senator from Virginia never suggested then that there was any trouble about the land grants that were provided for in that bill. You voted it through this body. It ran as smooth as oil. No man said there was any difficulty about that, nor could it be said; because so far as the ordinance was concerned, and the land grant was involved, the bill stood on exactly the same principles as every other Territorial bill, and granted no more, no less. Why, then, seek to cover up this enormity under so plain a proposition as that? Sir, the people will understand it, whether gentlemen here will understand it or not. It is in the nature of a bribe. It is not expected that the unsophisticated people, through the whole wilderness of Kansas, will be able, like lawyers, to scan closely, and understand critically, the import of this grant. I will not say that the fact that it was known they would not understand it, constituted the reason why a question so simple as the adoption or the rejection of the Lecompton Constitution is made to turn on the fact whether the people will accept a donation of lands; but it looks very much like it. It would be out of order for me to say it was so intended; but that will be its effect.

Well, sir, that is the nature of the proposition. I have said it is humiliating to the high-minded South, because it is a total surrender of the position upon which they planted themselves, and swore in their councils they would stake their institutions. You have given it up; you have surrendered Lecompton, in this

debated here day after day, week after ble proposition, well calculated to misweek, and I do not know but I might lead the people. I am sorry for it. I say month after month, without suggest- have respected their highmindedness. I rupt the whole proceedings, and lead were above consenting to arrangements set up a scheme entirely new? You did do not say that anything sinister is intended in this proposition, but I know it is well calculated in itself to deceive the people, and therefore I pronounce it humiliating to the South. I say, further, it is unjust, if not an open insult, to the North. Why? I can tell you nothing new, after the proposition has been so ably handled by the honorable Senator from Kentucky and the honorable Senator from Vermont, who have preceded me. They have made it too palpably plain for me to stand here long in elaborating this point. Here stands out before the whole world the most glaring injustice, the most palpable wrong; and no man dare face me down here, and say that you place Slavery and Liberty upon equal foundations by this measure. You talk of the equality of the States. Why, sir, you are trampling the free States into the dust, and offering bribes to Slavery. It will not do. Whether we understand it or not, God knows the people of the United States, the honest people, will understand it. I have said, and I still say, that this

proposition is flagrantly unjust to the North, and, I think, an open insult. Well might the Senator from Kentucky ask, what would the South think of a proposition like this on the other side? I have too good an opinion of you to believe that you would bear it as meekly as we shall. I believe that you would conduct yourselves, in reference to such a nefarious proposition, in a manner more fraught with honor to your section than I fear we shall. I wish to God we had men as fearless to stand up for the right, as you have to stand up for the wrong. I honor you for the manner in which you miserable way to be sure, into the hands stand up to what you say you regard as of the people of Kansas, to reject it if your rights. Well might the Senator they please, and as I trust in God they from Kentucky ask, what would you they will. Therein, sir, you lie in the think of such a proposition, if the case dust. Southern chivalry is here in these were reversed? There is not a Southern man who will not die in his tracks before , be taken at the will of a craven and behe would surrender to a proposition so insulting to the South as this manifestly is to the North. I know you would not. and I give you all honor for it, because in that, if in nothing else, God knows I sympathize with you; you are right in it.

The proposition now offered to the people of Kansas is this: "You shall have six million acres of land, and immediate admission into the Union, if you will take Slavery; but if you prefer a free State, you shall be excluded; you shall be treated as outside barbarians. unworthy to be members of this Union for an indefinite length of time to come." It is undeniable; it stands out gross, palpable, upon the face of your record, and cannot be disguised. It required a good deal of assurance, a good deal of effrontery, to bring in a proposition like this; but you knew the material to which you were addressing it too well to fear the consequences. You say by this proposition, if Congress adopts it, "Come in, ye people of Kansas; here are millions of acres of land: here is immediate admission if you prefer Slavery; but if, on the other hand, you prefer Liberty, you are unworthy of admission, you are not numerous enough to be admitted." One slaveholder, for the purpose of the admission of a Territory as a State is worth more than twenty free men. 'hat is the naked proposition which you have brought here for the consideration of Northern men, and I perceive that you will have Northern men who will go with you even for this. You will have them, and you knew you would; because you knew you could not make a proposition, however fatal to the rights, however fatal to the honor of the North, without finding here men who would stoop to it. When I contrast the high chivalric honor of the South in this particular with the North, I sometimes wish to change places with them. Here is a proposition offering a premium to Slavery, and immediate admission without inquiry as to the numbers, if the people of Kansas will come here as a slave State; but if they decide on the side of Freedom, they are to be indefinitely postponed until a census shall the Executive?

sotted Executive. That is the proposition offered to the high-minded people of that section from which I come. will spurn it, though I perceive that some of their Representatives are about to

Now, what are to be the consequences of the passage of this proposition? I must judge from what has preceded it. I do not know but that I may be uncharitable in my supposition; but when I look at your candle-box frauds, at your Cincinnati Directory frauds, all adopted by your Executive, and the agents who commit the frauds applauded and foisted into high offices of power and respectability, how can I repose confidence in you? When I see the just arrangement which had been made by that just man, the lover of equality and justice to all parties and to all sections, the Senator from Kentucky, stricken out, and another man added to the board to supervise the election-a man who was no more wanted there than a fifth wheel to a coach, for you had a full board before-I ask this committee, and I wish them to answer me now, why did you place the district attorney of the Territory on that board of commissioners? I repeat the question, why did you do it? not right before? A corrupt Executive was allowed to appoint two. Was it wrong that the people should appoint two more? Why give your Executive the appointment of a majority of the board, and full power over the people, to trample them in the dust? Answer me that, if you can! I pause, but I pause in vain, What shall I say, then? for a reply. Sir, it savors too much of the candle-box and of the Cincinnati Directory. Is it intended, at all hazards, against the vote of the people, and in defiance of their wishes, to forge a majority, to make a false return to the President that you have outvoted the Free-State men, and that Lecompton is adopted? the anchor you had thrown to the windward, in giving a complete majority to your own party in that board, and not trusting the people on equal terms with

who censured his Governor because he had refused to yield to an outrageous, and ultimately compelled him to resign. I say, when such things are done, what may we not suspect? I can hardly realize that I am in the Senate of the United States, when propositions calculated to blind the people, propositions calculated to hold out false colors, are presented in this way. In this scheme, you have evidently followed, as far as you could, the bill presented by the Senator from Kentucky; but you have amended that most just clause of his, upon which the honesty of the whole transaction turned, in order that you might still keep in the hands of those who have proved themselves to be unworthy of such a trust, the power to decide against the people, as they have done heretofore, the fate of the new State.

Now, sir, I am not so much of an enemy to the people of the South as they suppose. I think they will never gain anything by such a proposition as this. is not because I suppose they will, that I manifest this zeal against it; but because, like the Senator from Kentucky, I know that the safety, the permanency, the true glory of our institutions, must be built upon the solid foundations of eternal right and justice; and this trickery, these frauds, although they may serve the purpose of a party for a day, are fraught with danger to the whole community, and will finally result in disastrous consequences, even to those for whose benefit they seem to be perpetrated.

Mr. President, I have now said all that I intended to say, and much more, because when I see a proposition that appears to be unfair, and, I will say, that appears to be dishonest, I cannot retain exactly that equanimity that perhaps I ought. It may be all fair and all right, but I must announce the impres-

Sir, I have no fears of the people of subject. I think it is palpably wrong-Kansas if you give them any chance, wrong to the high-minded people of the even if you will be honest in counting South, who, I am sure, when they undertheir votes; but here the matter is left stand it, will trample it beneath their to the President of the United States, feet as an unclean thing-unjust, palpably unjust, to the North, whom it places on a footing of inequality. Sir, notorious, palpable, undisputed fraud, if I did seek the destruction of the institutions of the South, I could devise no way more facile than that you have yourselves marked out; for, being in the minority, whenever you shall have divested yourselves of that character which we have conceded to you-that you are highminded, honorable men-you will have lost the great stake in the Government that would ever enable you, as long as you practiced on these principles, to enjoy your full share in the councils of this nation, and even more. As I said, I do not know but that this proposition may be right; but its appearance is absolutely and deliberately wrong.

Now, Mr. President, I regret that such a proposition should have been brought in here. Why would you not let Lecompton die, if you had not the force to put it through? I would infinitely prefer, for the honor of the nation, both North and South, that you had the force in both branches to put your Lecompton Constitution through here, rather than have been compelled to resort to this indirection, in order to accomplish the same result; because its effect in demoralizing the nation, perverse and iniquitous as I think it was, would have been infinitely less than by this monster of a proposition.

But I have said that it was no part of my purpose to detain the Senate. have very feebly expressed the feelings that I entertain in regard to this propo-I do not believe you can seduce the noble-minded people of Kansas, who have withstood all your persecutions so long, to succumb to such a scheme as You have exercised the whole powers of your Government; you have invoked your armies, and let them loose upon the defenceless people there; you have inflicted upon them hardships, and pursued them with a relentless persecusions that I deliberately have on that tion that I have never known before, and they stand unconquered and unconquer- hands of a corrupt Executive. great, and I think they will be capable of seeing through this nefarious net, which is calculated to lower them, to degrade them, to a condition of servitude. I do not believe you will effect it. I have a better opinion of those noble spirits. I think the controversy will result in your most ignominious defeat before the people of Kansas. The only danger I appeled is from the arrangement of this one in all respects similar in principle, scheme by which you put the whole and emanating from a like source.

hardly ever read of in history; and yet | power of controlling the election into the able. It only remains to determine people are against you in overwhelming whether appliances to their cupidity, numbers. The only doubt is, whether arts of deception, can work out a fall for the executive officers will count their a people who have so nobly withstood all votes aright. I am willing to venture your force. I know well you cannot that people, with all the skill in weaving force them to it. Their intelligence is nets for their destruction that you can devise, provided at last you leave them to be counted according to their numbers, and make fair, and not John Calhoun, returns.

Mr. President, I have no fears for the result of this measure. The noblehearted, brave, and liberty-loving people of Kansas will spurn the infamous propTHE STATE OF THE SALE OF THE SALE OF THE STATE OF THE SALE OF THE paulais constant to the control of the constant of the least Tad also a south of The contract of the contra Thus, the property of ϵ and ϵ and ϵ

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WASHINGTON, D. C. BUELL & BLANCHARD, PRINTERS. 1858.

KANSAS CONTESTED ELECTION.

SPEECH OF HON. 1. WASHBURN, JR.,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES.

MARCH 14, 1856,

On the Resolution reported by the Committee of Elections, in the Contested Election Case, from the Territory of Kansas.

Mr. WASHBURN, of Maine, said:

Mr. Speaker: In the remarks which I shall submit at this time, it will be my purpose to speak directly, though in no formal phrase, to the points fairly raised by the resolution before the House.

The first question in order is: Whether, concding that the House has power to inquire and decide,
in this election case, upon the regularity and validity
of what is elamined to have been the first Legislature
in Kensas, the charges of irregularity are sufficiently
grave and responsible to justify an investigation?
That the charges are of a most serious character
will not be denied; and that they come before us
such form as to warrant a full examination, if
we have the power to make it, should seem to be
too clear for controversy.

"Common fame," says the Manual, "is a good ground for the House to proceed by inquiry, and

even to accusation."

In the case of the Kansas elections, there have been and are wide-spread and generally-credited rumors of wrong—reports coming in various shapes and forms from that Territory—in letters from citizens residing there, in the statements of those who were themselves witnesses to the facts of which they speak—filling the columns of the newspapers, recognised by Executive messages and proclamations, by the action of State Legislatures, by reports of committees, and discussions in both Houses of Congress.

Besides, the people of Kansas, or a large portion of them, through their agent in this regard, Governor Reeder, present themselves before this

House, and inform it-

"The immediately before the 30th day of March less, which are the fixed for the cleation of a Legislature for the Partnery of Kanasa, large bodies of meh, without pretensions to residence in the Territory, came over from the neighboring counties of the State of Missouri, armed and regarded with proton, and, in one case at least, with armed and proton, and in one case at least, with armed and martial mate, and encamped in partners in the sciency. That they marched into the Territory with ban users and martial mate, and encamped in partners in the sciency of the purpose of preventing the science of the science of the purpose of preventing the control of the sciency of the purpose of preventing the citiality of Miscreta cleel in polls, shortly before the said election, for the purpose of preventing the citiality of Miscreta cleel in polls, shortly before the said election, for the purpose of preventing the citial proton of the control of th

And, sir, who is Governor Reeder, by whom

the people of Kansas have thus spokeu? A distinguished citizen of the State of Pennsylvania, known and honored of her people, by whom he was warmly recommended as emineutly worthy of the confidence of the President, he was by him appointed to the discharge of the arduous, delicate, and most responsible duties of Governor of the Territory of Kansas-a post than which none in the gift of the Administration, under the peculiar circumstauces of the organization of that Territory, required higher intellectual and moral qualities in the occupant. He was a Democrat, a friend of the Administration, and a believer— and here I think he was greatly in error—in the principles asserted by the President and his Northern friends to be contained in the Kansas-Nebraska bill; and, sir, he was something more, and he has given the highest possible evideuce of the fact, an honest man. As such he went to Kausas, with a sincere purpose, that, so far as it depended upon him, the principles of "popular sovereignty," as he understood them, and as they had been interpreted by the President and the Democratic party North, should be maintained. Faithful to his convictions, and relying upon the good faith aud support of the Administration, he eutered upou the discharge of his high functions, determined that the people of Kansas should rule Kausas; and for that purpose, executed, where occasiou required, he was, by the same Administration from which he received his commission, condemned and removed from office. The Ad-ministration which struck, but would not hear him, was the delegate of the Slave Power—the organ of a section-bound to its uses and behests. That power had compelled the President to deny that the principles of popular sovereignty were in the Kausas and Nebraska bills, and to assert. that, under the Coustitution, no Territory had, or could have, the power to exclude Slavery. Governor Reeder could be removed, but he could not be false to his convictions; the President might strike him down, but the power to extinguish his manhood had not been delegated by the South. If the Governor of Kansas could have conseuted to become the instrument of the Presideut in his design to enslave that Territory for the propitiation of the South, who doubts that he could have held office to this day? And the fact that he could not, and preferred to encounter the frowns

annoyances of his minions in inches, who were ceaseless slanders everywhere, rather than submit to dishonor, and felt that he must hold office, if at all, unbribed, unbought-no man's tool, and no man's slave-is the best evidence of his integrity and probity that could have possibly been furnished.

The gentleman from Georgia [Mr. STEPHENS] has denounced Governor Reeder with great vehemence, and declared that, if what he (Governor Reeder) now alleges, be true, he has acted most inconsistently and dishonorably, and fallen to the lowest depths of "infamy and degradation;" as if, when called upon to act upon such records and facts as were legally before them, and when he was bound officially to decide upon the question as then presented, he might not honestly do what, at a later time and upon further proofs, any gentleman like to be judged by the rule which is here invoked for the condemnation of Governor Reeder? Sir, I differ from the gentleman in my deductions from what he avers was the conduct of Governor Reeder. If what he says be true, and the Governor, upon full knowledge, and such as he could act upon, was brave and strong enough to do what then appeared right, even though at the expense of impeaching the correctness of his previous action, I say, all honor to him. And, sir, if what I have seen in the newspapers be true, this was the view which was taken of Governor Reeder, and of his official course, down to the latest moment, by the President and his official advisers. I do not know how it is, and I will not say that the report to which I am about to allude is correct. I have had no communication with Governor Reeder, or information from him or any of his friends, upon the subject; but I will say that I have seen it stated in the newspapers, that, after all these things charged against Governor Reeder had transpired, and were well known at Washington-after he had reached, as the gentleman from Georgia says, the lowest deeps of infamy and degradation, the President did that which implied the most unlimited confidence in and the highest respect for him. I have seen it stated that the President, at a time when he must have been in possession of all the facts upon which he defends the removal of Governor Reeder, in order to induce him to resign, offered him, directly or indirectly, in some such way, I presume, as Presidents are said to have for doing these things, a foreign appointment of the highest grade, and importing, as I have said, unabated confidence in his character-a mission to China, I believe it was said, in the first place; and that not proving a sufficient inducement, the appointment of Minister to the Court of St. James. I repeat, I do not know how this thing is, but I have seen the statement which I have made, or one substantially like it, in the public journals, and have never seen a contradic-tion, although the "Union" has been challenged to contradict it. If true, Governor Reeder has been endorsed by the President to the fullest extent, because it is not to be supposed that he would think for a moment of sending abroad, to people and upon this House? That has been mi fill one of the highest places in the gift of the Ex-

ecutive, an unworthy or dishonest man. he tendered such an appointment to a man kr by him to be a scoundrel, then, I submit, he himself fathomed depths of degradation and famy, not only such as the late Governor of I sas never explored, but lower than plummet sounded. Gentlemen may take either hor

the dilemma. Mr. SMITH, of Virginia. I desire to k whether the gentleman wishes the House country to understand that he makes the ch: that the President offered Governor Reeder a eign appointment of the first grade, if he we resign his position as Governor of Kansas?

Mr. HICKMAN. I will answer the gentler from Virginia.

Mr. SMITH. I want an answer from the g tleman from Maine.

Mr. WASHBURN. I will answer the gen man. I have seen it so stated in the newspap Mr. SMITH. Ah!

Mr. WASHBURN. A correspondent of New York Tribune, if I am not mistaken, made the charge, and dared the Washing Union to deny it. I DARE the gentleman fr Virginia to deny it.

Mr. SMITH. I know nothing of the subje but I will say, that I do not believe a word of It is a bold and unmitigated falsehood, and un coming any member upon this floor to give h any credit to these newspaper statements.

Mr. WASHBURN. And I do believe ev word of it; and although the gentleman denoces the report as false, he admits that he ! no knowledge on the subject. If it is false, the gentlemen who are authorized-and there gentlemen here who can speak for the Executivdeny it, if they can. As to what is becoming unbecoming for me to say, I am my own judy but this is the first time I have heard that it v

unbecoming to refer to newspaper statements. But the minority of the committee have adn ted that, if we have a right to decide in regard the regularity and legality of the Kansas elect in March last, there is good reason for the passe of this resolution. They say in their report :

"If it is the judgment of the House that we should er into such an investigation, and take jurisdiction of question-making ourselves the judges of the qualificati and election relurns, not only of our own members, also of the Territorial and State Legislatures, which lows as a matter of course—then the conclusion to wh the majority or the committee have come is right."

Here, I think, this branch of the case may safely rested. I will merely add, in this conn tion, that the minority seem to misapprehend : purpose of the majority, which is not to judge the "qualifications and election returns" of me bers of a Legislature, so much as to ascert: whether in point of fact there was a Legislatu

The next question, Mr. Speaker, which I v consider, is this: Granting the truth of the char and allegations in the memorial of Governor Reed has the House authority to inquire into the f whether there was or not a Legislature in Kane by which laws were, or could be, enacted in rej ence to elections in that Territory, binding upon

Bruggs

this power. They deny it in their report, as well as in the paper attached thereto, submitted by General Whitfied, and which they have substantially adopted as a part of their report. The mi-nority say, "It will be assuming a jurisdiction which we do not believe properly belongs to us, and will be establishing for the first time in our history a principle and a precedent of most dangerous tendency;" but not half so dangerous, I would suggest, as would be established, if we, by refusing to assume inrisdiction, should decide that frand and violence in elections, where the rights of our own members are concerned, no matter how gross nor how well vonched, are matters into which we have no power to inquire.

Before entering upon the consideration of this question, there is a point made by the minority, to which I wish to say a few words. It is this: that there are no parties before the House, on whose motion the inquiry proposed can be instituted. They assert that neither Governor Reeder nor the people of Kansas are properly here; and that the House, upon its own motion, can only inquire as to the "qualifications" of members, To this and not as to the elections and returns. I reply, that, in the first place, Governor Reeder and, through him, the people of Kansas, are properly before the House, and may well raise objection to the claims of the sitting Delegate; and, secondly, that if it were otherwise, the House can, upon the motion of any member, make the investigation. The Constitution says, "Each House shall be the judge of the elections, returns, and qualifications of its own members;" and what it may do in one of the specifications, it may do There is no restriction, and no reason for Mark, how careful and precise, how full and comprehensive, is the language !--it seems to have been prepared to prevent all question and cavil. The House may judge of the qualifications; that is, as to the age, residence, and citizenship, of the claimant. It may also judge of the returns the certificate or other evidence which he produces; and it may go further, and beyond the returns, although they appear to be in form and correct, and look into the election itself, and see if that was all right-if it was made at the proper time and places, and by the proper parties; and if not, may set it aside. It may look into every fact upon which the election depends-into the laws regulating the election; and, of course, may inquire whether there were any laws binding upon the House or upon the people whose rights are in controversy. Now, all this is so plain that argument cannot help it. The memorialist denies that there was a Legislature in Kansas. The minority insist that, whether this be true or not, the House cannot inquire. The question is one of fact merely, and, like all questions of fact, must be settled by proof; and, from the nature of the case, the only evidence that can be had is that of witnesses to what has transpired. If the body of men who assumed to be a Legislature were not elected by the inhabitants of Kansas, but by the people of Missouri, who went into Kansas merely for the purpose of voting, and, having voted, returned home, it cannot be contended that

of the committee deny that the House possesses they were the Legislature contemplated by the organic law of the Territory. This is a question of fact, and is susceptible of proof. Men who were upon the ground know whether the people of Kansas were driven from the polls or not, and whether the elections were managed and carried by non-residents. If here, they could inform the House of facts from which it would be able to decide whether the alleged Legislature was in truth what it claimed to be, or anything more than a convention, a caucus, or a mob. say the minority, we are not permitted to inquire into these things; we have the laws of that Legislature, their book of statutes, and their Journal; we cannot go behind them-they are conclusive. Every Legislature, they say, has the power to judge of the elections of its members, and by its decisions we are bound. This, to a certain extent, is true, but there must be a Legislature to judge; and when, as in this case, the fact that there was a Legislature is controverted and put in issue, the issue must be tried; and the assumptions and acts of such pretended Legislature cannot be received as final and conclusive evidence of its legal existence. If there were in fact no Legislature in Kansas, it is not easy to perceive how the acts of a body of men assuming to be such can make it a Legislature-can validate and make legal what is in itself null and void. Certainly, it is a novel doctrine, that a convention or promiscuous assembly can, proprio vigore, transform itself into a legal Legislature, and make its own records conclusive evidence of its rightful and proper creation and existence.

Suppose the people of Pennsylvania and Maryland should, upon an election day in Delaware, pass over into that State in large numbers, and take possession of the polls, manage the elections, and themselves choose all the members for the State Legislature, and such members, afterwards assembling, should, in collnsion with the Governor, act as a Legislature, pass laws regulating future elections, and then, nnder such laws, pay another visit to the State, and in similar manner vote for a member of Congress-would it be said that this House has no authority to inquire into the case, and that the doings of these outsiders, in open violation of law, are sacred from investigation?-that, under our general and nulimited power to judge of the elections of our own members, we are to be stopped in our examination by the production of a certificate of election, or by the proceedings and records of a body of men whose title to be regarded as a Legislature is exposed to such impeachment?-or that such examination might be arrested by a proclamation of the President, issued, it may be, upon the request of an unfaithful Governor, for the very purpose of giving the President power to bring his own creatures into the Honse, when he may need them to overcome an adverse majority? statement of the case is argument, and is itself a sufficient refutation of the doctrines set up by the minority of the committee.

The gentleman from Georgia relies upon precedents. He maintains that questions of membership are judicial questions, which every Legislature has an inherent right to decide; and he cites Coke, Blackstone, and other English authorities, and defences of those who preceded him in opas to the laws and customs of Parliament. Undoubtedly what he has cited is good law; it has not been disputed upon this side of the House; but the gentleman's misfortune is, that his precedents have no application to this case. He may pile up such authorities as he has invoked-and that he could find no better, proves the sterility of his case-high as Olympus, and they will not help him, for they will not touch the question above or beneath. His authorities bear upon the power of a Legislature whose existence is admitted, but have no tendency to convince us that a body of usurpers may, by their own proceedings, resolve themselves into a Legislature whose right may not be questioned or impeached. He says, if asked what is to be done when a question of usurpation arises, he would answer, that the body which comes in in pursuance of law is to be regarded as the legal Legislature. Very well; but here may be a grave question of fact, and, to arrive at a just decision, the fact must be ascertained, to wit: whether the body does "come in in pursuance of law." Snppose two bodies claim at the same time "to come in in pursuance of law," and a question arises as to these claims, how does the gentleman propose to decide it? By records, and journals, and seals? Both have all these, and they are apparently as formal and regular in one case as the other. Apply the gentleman's doctrine to the Kansas case. He asserts that the Legislature, under whose laws General Whitfield claims a right to be here, came in in pursuance of law, and I deny it. Now arises the question, What is the truth of the matter? For that body to come in under the organic law as a Legislature, certain things were necessary. It was necessary that a time and that places for the election should be appointed by the Governor, and that the members should be chosen by certain persons specified in the law. These were conditions, the non-compliance with which would be fatal; and nobody elected outside of them could be said to come in in pursuance of the act of Congress. The gentleman will not contend, that if the election had been held on a different day or at different places from those fixed by the Executive, it would be legal. I would ask if these things of time and place-things of form mainly-be so essential and indispensable, how it can be held that the matters of substance, those which have regard to the persons whose right it was to elect, are unimportant or non-essential? If this Kansas Legislature (so called) were not elected at the time and places appointed, and by the per-sons appointed, it did not come in in pursuance of law, and is no Legislature.

And let me say further, in reply to the gentleman, that whatever inherent rights State Legislatures have to decide upon the election of members, the first Legislature of Kansas had no such right. All its powers in this respect were derived from the General Government, and were such, and such only, as were granted by the Kansas-

The gentleman from Maryland, [Mr. Davis,] in his very able and ingenious speech, has shivered and scattered most effectually the arguments

position to the resolution reported by the committee. He acknowledged frankly that they had not met the real question in the case. When in a State there is a controversy as to the proper and regular Government, and there are two organizations claiming to be regular, there must of necessity be a power somewhere, outside of those organizations, to determine which is rightful and legal. This he concedes; and I submit that the power exists whenever a real and bona fide dispute arises as to the proper existence of a Government or a Legislature, whether there be a concurrent and opposing Government or Legislature, or not. Whenever the question is raised upon proper occasion, it must be decided.

But, while the gentleman from Maryland has been so successful in his assaults upon the positions of others, it appears to me that he has planted himself upon grounds even more indefensible than they have occupied. The power to decide these questions resides somewhere. President of the United States, he says, under the act of 1795, has authority to call out the militia to suppress insurrections, and in doing this must necessarily determine which is the Government or party to be sustained, and which to be put down; and this decision does not cease to operate with the occasion which called it out, but reaches beyond it, and extends to all cases and over all tribunals. The courts, he adds, follow the political power; and this power, so far as questions of this kind are concerned, is in the President. Now, it is undonbtedly true that the rule of the Supreme Court is to follow the political power in its decisions upon political questions; the judicial power recognises the Government which the political power recognises. Where, from the nature of the case, as when there is an insurrection in a State, the President must decide whether a Government is to be recognised, that decision is the political power, and the courts will follow it in all things to which it refers and upon which it bears; and a citizen indicted for an assault committed by order of the Government which is recognised by the President, will be shielded by the Presi-Where, dent's recognition of that Government. from the nature of the case, the Senate is to decide, as when a question arises upon the elections and qualifications of its members, its decision, under the Constitution, is the political power which the court will follow in all things touching and growing out of such decision; and so of the House of Representatives: when it decides that one is entitled to a seat as a member, the court will protect him in all the rights and privileges of a member.

This question has been settled so distinctly, and upon reasons so cogent, by the Supreme Court, in an opinion pronounced by Chief Justice Taney, in the case of Luther vs. Borden et al., a case growing out of the Dorr disturbances in Rhode Island, that I am unable to see how there can be room for any doubt upon the subject. Chief Justice Taney says:

"Under this (the 4th) article of the Constitution, it rests with Congress to decide what Government is the estab-lished one in a State; for, as the United States guaranty

to each State a republican Government, Congress must State, before it can determine whether it is republican or itot. And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the Government under which they are appointed as well as its republican character, is recognised by the as well as its republical character, is recognised by the proper constitutional authority. And is decision is binding on every other department of the Government, and could not be questioned in a judicial tribunal. His true that the co-test in this case did not last long enough to bring the matter to this issue; and, as no Senators or Renresculatives were elected under the authority of the Gov-ernment of which Mr. Dorr was the head, Courress was not called upon to decide the controversy; yet the right to decide is placed there, and not in the courts."

Now, I submit, this covers the whole ground, and, if a decision of our highest court is to be received as authority, settles the question against

the gentleman from Maryland.

The gentleman from Maryland, disagreeing with the gentleman from Georgia, maintains that, in deciding upon the election of members, the House acts as a political body, and not as a court. If, then, we are acting in a political or legislative capacity, and the decision to which we may come will be that by which the courts of the land are bound, and the power to make such decision involves, as the Rhode Island case states, the power to look into State Governments to ascertain whether they are regular and legal, then the question is closed, and the propriety of sending for persons and papers, even upon the grounds of the minority, is vindicated; and if, on the other hand, the gentleman from Georgia is right, and we are sitting here as a court, and can inquire into the proceedings of State or Territorial Legislatures only where a court can, we are equally sustained by the authority to which I have referred. Upon this point the court says:

"The point, then, raised here has already been decided by the courts of R lode Island. The question relates alto-gether to the Constitution and laws of that State, and the well settled rule in this court is, that the courts of the United States adopt and follow the decisions of the State courts in questions which concern merely the Constitution and laws

"Upon what ground could the circuit court of the United Stales which tried this ease have departed from this rule, and disregarded and overruled the decisions of the court of Rhode Island? Undoubtedly the courts of the United of Khoole Island? Undoubtedly the courts of the United States have certain powers under the Constitution and States have certain powers and the Constitution and courts. But the nower of determining that a State courts. But the nower of determining that a State state erament has here hawfully estat—shed, which the courts of the State discounted from the product of the courts of the State discounted from the courts of the United States are bound to follow the decisions of the State tribunals, and must therefore regard the charter Government as the lawful and established Government during the time of this contest."

So that it appears, by a decision of the highest judicial tribunal in the land, that whether the House acts, in judging of the elections, returns, and qualifications of its members, in a political or judigial capacity, it has the power, and, I may add, it is its duty, when the inquiry becomes important, to ascertain and decide as to the regularity and legal existence of State-and of course of Territorial-Governments and Legislatures. such inquiry, I maintain, does become important when a material question in issue is, whether there were at a certain time laws in force in a State or Territory prescribing the way and manner of holding elections, as required by the or-

another and previous question: whether there was in existence a legislative body competent to pass such laws.

Why, sir, the power to decide upon the title of men, and bodies of men, as Legislatures, to the offices and functions which they claim, is recognised in a thousand cases in the books, where, upon quo warranto, such titles have been examined and passed upon.

There is a question of this kind being heard to-day before the Supreme Court of the State of Wisconsin. Mr. Barstow claims to have been chosen Governor of that State at the late election, and has been so declared by the board of State canvassers. Mr. Bashford, the opposing candidate, impeaches the decision of the canvassers, and alleges that the returns upon which it was made were forgeries, or procured falsely and fraudulently; and that he, in fact, had a majority of the legal votes, and was therefore duly elected. The Supreme Court, upon argnment, has taken jurisdiction of the question, and decided that it has power to go behind the action of the canvassers, and declare which of the claimants was duly elected.

The result is, that where the political power of the United States has recognised a State Government, the Supreme Court will adopt that recognition, so far as it legitimately extends; and where there has been no decision by the political power, or in cases outside of the scope of a decision, if there have been one, it will adopt the law declared by the highest State court.

Mr. Speaker, I cannot pass from this branch of inquiry without remarking again upon the extent of the power claimed by the gentleman from Maryland for the President. If the gentleman is right in his conclusions, there is but one power in the land-that of the Executive; there is no House and no Senate; the President is judge of their elections, and is the master of the States : he may raise up and he may put down at will: he may prepare his own opportunities, and, availing himself of the results of his own machinations, declare the law for the States, the courts, and the people. The true and constitutional limitation is this: the President, from necessity, must judge and decide for himself when the exigency arises upon which he is to act. When in a State there is an insurrection or domestic violence, the President may, upon proper request, interfere to restore order and prevent bloodshed. He must act upon the instant; and, by his proc-Iamation, recognise the authority which he holds to be regular; and this recognition is the law of that case, and goes no further, and can go no further without breaking down the powers of the co-ordinate branches of the Government. has no more right, by his decision, to control the constitutional functions of the Senate and the House of Representatives, than they, or either of them, have to control his. Each must decide for its own exigency; and each, in its own sphere, is independent of the other. Why, sir, after the is independent of the other. Why, sir, after the President has recognised a State Government as the authorized and regular Government, and has succeeded in his duty of quelling the disturbances ganic law thereof. And this will depend upon there, the people of the State may peaceably

it, choose Senators and Representatives under it, and they, coming here, may be admitted by the Senate and the House; and thus the Government which they represent will be acknowledged to be the true and rightful Government by Congress, and such acknowledgment will be the political decision which the Supreme Court declares it is bound to follow.

What has been said in this debate in respect to Governments de facto is applicable to foreign rather than to our State Governments, and has no bearing upon our Territorial Governments. A Territorial Legislature, in so far as the power is granted by its organic law to make laws or rules for the election of a Delegate to Congress, is the agent of the General Government or of the House; and the House has a right to know that the particular agent provided for making these laws has acted therein. In the debate upon the contested-election case from Illinois, recently before the Senate, Judge BUTLER, from South Carolina, said:

"Members of a State Legislature occupy a double relation. They become in some respects, constituents of the Federal Government, so ar as their agency may be employed in electing Senators to the Congress of the United States under the Federal Constitution.

And, again:

"The member of a State Legislature occupies the double relation of being the representative of his own constituents, so far as their home interests are concerned, and also of being one of the agents contemplated by the Conatitution of the United States to make a Senator of the

Apply these principles to the case before us, and we must regard the Legislature of Kansas as our agent for the purpose of making laws for the election of a Delegate. Those laws can be made only by the agent which we authorized, and not by another. Delegates are allowed to Territories by the grace and favor of Congress. Unlike States, they have no constitutional right to be represented in these Halls. Congress may receive or refuse them at its pleasure. It may repeal all laws upon the subject at any time. When it extends this favor, it may couple it with conditions. It may impose the condition that laws shall be made for the holding of the elections by a Legislature, to be chosen, in respect to time, place, and suffrage, as it shall prescribe; and when a Delegate comes here, the House may well inquire whether all these conditions have been kept; and if not, it may clearly and unquestionably reject

Something more than twenty years ago, a case similar to this, in principle, was before the Senate. Under the old charter Government of Rhode Island, there was a failure to elect one of the Houses of the Legislature, and, by a law which it was insisted, on one side, that body had no power to make, the old Legislature was continued until another should be elected. By the Legislature thus holding over, Mr. Robbins was chosen United States Senator. A new Legislature was elected the year after, by which the election of Mr. Robbins was declared null and void. It then proceeded to an election for Senator, and made choice of Mr. Potter. Both gentlemen appeared before the Senate, and claimed the seat. The

recognise the antagonist Government, submit to | question was very thoroughly discussed; and it turned upon the question of fact, whether, under the charter and by the laws of Rhode Island, the Legislature held over. The Senate decided that it did, and admitted Mr. Robbins. The majority of the committee to whom the subject was referred, while incidentally recognising some of the doctrines maintained by the minority of the committee in this case, acted upon those of the maiority. They say:

"To constitute a Legislature capable of enacting laws or performing any other duty confided to that body by the Constitution of the State or of the United States, it is essential that there should be in existence, at the same time, a Governor, or some officer authoriz d to perform the executive functions; a Senate, and House of Repre the executive functions; a Senate, and House of Representatives. In the absence of cither, the other branches could not perform any act which would be obligatory on the people of the State. We are then brought to the inquiry. Whether these component parts of the Legislature of Rhode Island were assembled at Providence in January. 1833, when Mr Robbins was elected, in grand committee.

Again:

"It remains, then, to be inquired, Was this body, so as sembled, the Legislature of Rhode Island? The law, by virtue of which they continued to exercise the powers of legislation, is said to be repugnant to the charter, and therefore void. If this be a sound objection, it at once annuls every part of the proceedings, and, as a necessary consequence, that of choosing a Senator in Congress."

The minority of the committee in the Rhode Island case, consisting of Mr. Wright, of New York, and Mr. Rives, of Virginia, held not only that the Senate had power to inquire whether the body which elected Mr. Robbins was the Legislature of Rhode Island, but also that, upon investigation, it appeared that this body was not the Legislature of that State, and therefore that Mr. Potter was duly elected. Mr. Rives resigned his seat in the Senate before the report of the minority—in the conclusions of which, it was said, he concurred—was presented. Mr. Wright drew the report, and it is marked by that clearness and force for which that great man was so justly distinguished. He says:

"But however this may be, he cannot but consider it a plain proposition, and not requiring argument to support men, claiming to be the Legislature of a State, is the ques tion in issue, the acts of that body whose constitutions powers are disputed, are not to be adduced as evidence of the constitutional power of the body to perform them When the constitutionality of a legislative act is ques-tioned, he cannot believe that the act itself is to be relied upon as evidence of its own validity. Equally clear is it to his mind, that, when such a question is to be determined, the consequences of pronouncing the act to be inmmed, the consequences of pronouncing the act to be in-valid are not considerations which should legitimate; control the decision. The act is either constitutional or unconstitutional. If constitutions, the depute is selec-tron to the constitution of the first control of the con-trol of the control of the first control of the control of claiming to be the Egistature of a State. If the Egistature of the State, according to the provisions of its Constitution, the control of the control of the control of the control of the State, no acts of theirs in their assumed character, and a consequences of pileon from the viscolating of been extention. give them the powers which they had not when the acts were performed, or make them what they were not, the Legislature

I will conclude what I have to say upon this branch of the case with the remark, that, if these views of Mr Wright be sound, "the controversy is at an end."

I did not notice in its order the objection interposed by the minority, that Governor Reeder is

estopped, by his own acts, from denying the legal and proper existence of the Kansas Legislature. and for the reason, that the answers to this objection by the majority report, and by the learned gentleman from Maryland, seem to me to be triumphant and complete. It cannot have escaped the attention of the House, that the gentleman from Georgia, while he regards the Governor of Kansas, when he acts as a canvasser of votes and returns, as but a ministerial officer, and therefore bound to give certificates of election to such persons as appear by the returns to be elected, the final and ultimate right to decide being in the Legislature, holds and stoutly maintains that Governor Reeder is concluded by operation of the doctrine of estoppels-that he is estopped because he did something which, as a ministerial officer, he could not help doing. On the other hand, the gentleman from Maryland contends that the Governor, in canvassing the returns and issuing certificates of election, was invested with more than vuinisterial powers, and that his decision was final and conclusive, and cannot be reconsidered. Still, he scouts, as well he may, and not inconsistently, this whole business of estoppels, in connection with political questions.

The gentleman argued with considerable force, from the language of the Kansas-Nebraska act, that the Governor was the final and only judge of the elections of members of the first Legislature of the Territory of Kansas. The language of the act is as follows:

"The persons having the highest number of leval votes meeting of said Camori de triers, for members of the Commelia, at his deciral type of the commelia, at his deciral type of the commelia, at his deciral type of the comment of the day elected to the Commelia at the person swince the highest number of level votes for the House of Rentresentatives shall be decirated by the Governor to the day's elected members of said Home: Powelded. That in ease two or nume persons whete for shall have an equal number of votes, and in case a vacanity shall otherwise occur in either former of the Legisland vasculing the Governor and Legisland Legisland. The comment of the co

This act is the Constitution of the Territory, and in it no power is expressly delegated to the first Legislature to judge of the elections, returns, &c., of its members. And if it be the true interpretation of the law, that it was the design of Congress that the machinery for organizing the Territory should be put in motion by those members only who should obtain the certificates of the Governor, what will be the result? It seems to me to follow irresistibly, that those members, and those only, who were declared to be duly elected by the Governor, could act in the Legislature, and that the acts of a body differently constituted cannot be the acts of the Legislature contemplated y the organic law of the Territory. Seven members who received certificates from the Governor were rejected by the House of Representatives, and seven who had not received certificates were admitted. Could this be the Legislature which was to consist of twenty-six members, "declared to be duly elected" by the Governor? Here were but nineteen members with certificates, a minority of whom, with the members illegally admitted would be a majority of the whole body, and could pass bills in opposition to the will of the majority

of those who had been legally returned. If the nineteen duly elected could not admit others to their number, as they could not if the Governor was the sole judge of elections, and yet be a Legislative body capable of transacting business, the organic law would be virtually repealed, and a quorum for doing business would be reduced from fourteen to ten, which would, clearly, be a very different body from that provided for by the law of Congress. The case is as if a board of commissioners, consisting of three members, who, by the law establishing it, were to be appointed by the President, upon assembling to enter upon the discharge of their functions, should proceed to remove one of their number, and appoint another in his place. In such case, it may be presumed no one would contend that the action of the board could be of any force or validity.

Mr. Speaker, a few words by way of review and "improvement," and I will bring these re-marks to a close. The minority demur to the memorial of Governor Reeder, and to the report of the majority, but in so doing admit, in effect, the general and substantial correctness of their statements. They do not pretend to say that thousands of Missourians did not go over to Kansas on the 30th of March, and vote for members of the Legislature, and prevent citizens of the Territory from voting. And, sir, if the majority believed that this great question of public and universal concern, in whose issues are folded and contained, it may be, the future of the Republic, could properly and fittingly be tried and decided upon the technical pleadings of the courts, upon estoppels and demurrers, they would say, "Gentlemen, upon your own admissions, and by your own rules of construction, as applicable thereto, you have confessed the facts. By your general pro forma denial, with no specifications in detail-by your allegation that the complaints and charges, if true, amount to nothing, and this House has no jurisdiction—you have admitted, for the purposes of this trial, the truth of the averments in the memorial of Governor Reeder; and upon the rules recognised in every court of law, the case is to be decided upon such admissions."

But, sir, this cause is not to be, ought not to be, so decided. The House ought to know, the country desires to know, and should be informed, what the actual facts are. A Judgment npostoppels and demurrers will not be satisfactory to the House or the people; for it would leave, after all, the vital question of fact, and the question of the rights of the people of Kansas and of the parties here, open to dispute and controversy. What is wanted and demanded, is an impartial hearing, and an honest, intelligent judgment upon the very facts. Are gentlemen afraid of the facts? Will they suppress the truth? What will be the inevitable judgment of the country, if they do? They only tear the truth, "whom the truth would indict."

Sir, the doctrine of the minority, that this House has no authority to inquire whether, in point of fact, there was a legal Legislature in Kansas, and which goes to the extent that even if thousands of armed men did march from Missouri, their

place of residence, to Kansas, and there, by threats | and force, take possession of the polls in every election district, and disregarding and trampling upon the laws and rules of election prescribed by the rightful authority, keeping citizens from voting, did themselves elect every officer; and thus impose upon the people of Kansas a Legislature-to call it such-against their wishes, in contempt of their laws, and in flagrant violation of their dearest rights, still there is no remedy; that the House, in a case where its own rights and duties are directly concerned, and where, from the nature of the subject, it has full and plenary power to investigate and judge, must regard and hold such Legislature to be legal and rightful, and its pretended enactments as absolutely binding upon all parties, and protected from every inquiry, is a startling and monstrous doctrine. No doctrine more dangerons or alarming, none more false and treacherous to liberty and to law, has ever been ventured in any Government, even the most tyrannical and despotic, of which history has kept the record. I say more treacherons to law-to law-

"The State's collected will, O'er thrones and globes clate; Crowning good, repressing ill—

not the will of one people over another; not, sir, the raw and unbridled will of Missonri mobs, in regard to the affairs of Kansas, prononneed in edicts such as have been read upon this floor, "crowning" the indescribable evil of Slavery, and "repressing" the priceless good of Liberty.

Gentlemen upon the other side of the question have spoken eloquently in behalf of law and order. The simplicity and apparent sincerity with which they have insisted that law and order were to be respected in this case, by upholding a pretended Legislature in Kansas-admitted to be elected in good part by non-residents; elected, as is charged-and this is the question in issue-in contempt of all law, order, and decency, by fraud, force, and unheard-of outrages; and by submitting, uncomplainingly, to the acts of such a body, sitting in frand of the rights of the people, was indeed admirable; or the irony of their remarks, if they were so intended, was more admirable still. The law must be kept by protecting law-breakers, and sustaining their doings in open violation of all law! Order must be observed, by yielding an unquestioning obedience to acknowledged mobs! Sir, we stand for law; this Honse, I trust, will stand for law and by law, and ascertain what the law is, in so far as it is itself concerned, and bound to know and act upon it. It should inquire and investigate to this end, and be careful that the law, rather than the resolutions of marauders, shall control its decisions.

In no State or Territory npon any question where Slavey is not concerned, would such principles and doctrines as we have heard in this debate be avowed. Suppose that an invasion like the one alleged to have been made npon Kansas—and I have argued this case, as I had a right to do, as if all could be proved which is churged—had been made upon Minnesota from Canada, and that under similar circumstances of fraud and

force a Legislature had been imposed upon that Territory; and then that under its pretended laws a Delegate elected by Canadians had been sent here-where is the man who would consent that Canada should be permitted in this way to be represented in this House? Oh! sir, nothing but the system of Slavery-its necessities for strange and unfounded assumptions and demands-could suggest or permit such opinions and claims as have been set up here. They must not be tolerated for a moment. Does any man imagine that those to whom they are addressed do not perceive how utterly unsound and groundless they are? Should they submit to them, they would acknowledge their unfaithfulness or incapacity, and justly become the scorn or pity of mankind.

Mr. Speaker, for the sake of Slavery, solemn compacts of long standing, deliberately entered into, and with mutnal considerations, have been destroyed; pledges of faith and honor have been cast like worthless weeds away; the great writ of right, sacred for centuries, wherever the common law has been known, to the protection of mankind-the HABEAS CORPUS-has been struck down; the TRIAL BY JURY, the palladium of civil right and personal security, born of the conflicts of liberty with despotism, and baptized in the blood of men struggling to be free, consecrated in onr hearts as the ancient and indefeasible heritage of the people, guarded by the Constitution, stands against all assaults except those of Slavery; and, as if these things were not enough, we are now told that the instruments of this sectional interest, its gangs and invading armies, may enter and seize upon onr infant Territories, our own Territories, ander the immediate and especial protection of the General Government-subjugate the people rightfully residing there, make laws and elect Delegates for them; and this Honse, in its unrestricted power to judge of the elections of its members, has no authority to inquire into their 7 proceedings, or to resist the admission of such Delegates upon this floor.

Slavery, in its claims and demands of to-day, is so much greater and better than anything else, nay, than all things else, that to protect and strengthen it, is held to justify the destruction of whatever stands in its way. The rules of the House are broken down by unscrupulous majorities, and less than a quorum of members permitted to report bills from the Committee of the Whole to the House at its call. Laws are set aside, and compromises violated for its sake, and nothing is held sacred against its assaults. The great idea of the Declaration of Independence, and which has given its author a name that

"Through the ages, Living in historic pages Brighter grows and gleams immortal,"

is pronounced in the Senate of the United States a "self-evident lie". All memories and hopes, all possessions and rights—the Constitution, the Union, the living Gospel of "peace on earth and good will to men," are but finx and stubble, when exposed to the consuming fiame of this insatiate and inexorable system.

(40)

OF

HON. I. WASHBURN, JR., OF MAINE,

ON THE

BILL TO ORGANIZE TERRITORIAL GOVERNMENTS IN

NEBRASKA AND KANSAS,

AND

AGAINST THE ABROGATION OF THE MISSOURI COMPROMISE.

HOUSE OF REPRESENTATIVES, APRIL 7, 1854.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE
1854.

anor, Fol Briggs

981, .

NEBRASKA AND KANSAS.

on the state of the Union-

Mr. WASHBURN, of Maine, said:

Mr. CHAIRMAN: In the last half of the nineteenth century we find a proposition in the Congress of the Republic to extend the area of slavery. This is the object and purpose of certain provisions in the bill for the organization of the Territories of Nebraska and Kansas. These provisions remove the restrictions imposed by the Missouri compromise. The Badger amendment, and the opinions which it has elicited, I pass by as of no practical importance or interest. It is enough to secure any opposition that the bill, with or without that amendment, exposes all our unorganized territory to the occupation of slavery, although that territory, by a compact intended to be as lasting as the existence of the State of Missouri, has been set apart for freemen.

This in the last half of the nineteenth century. In the last half of the eighteenth century opinions and sentiments prevailed in the Colonies and the States of a very different character from what are implied in the bill to which I have referred. I have thought that it might not be ill-timed or unprofitable to present some of them to the notice of Con-

gress and the country. At a convention held in Williamsburg, Virginia,

August 1, 1774, it was

" Resolved, We will neither ourselves import, nor purchase any slave or slaves imported by any other person, after the first day of November next, either from Africa, the West Indies, or any other place.19

Mr. Jefferson addressed a letter to this convention, in which he wrote as follows:

"For the most trifling reasons, and sometimes for no con-ceivable reason at all, his Majesty has rejected laws of the most salutary tendency. The abolition if domestic slavery is the greatest object of desire in those Colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisemens of the slaves, it is necessary to exclude all further importations from Africa. Yet our repeated attempts to effect this by prohibition, and by imposing duties which might amount to prohibition, have been hitherto de-feated by his Majesty's negative. Thus preferring the immediate advantages of a few African corsairs to the lasting interest of the American States, and to the rights of human nature deeply wounded by this infamous master.'

At a provincial convention held in North Carolina the same year, the following resolution was

4 Resolved, That we will not import any slave or slaves, or purchase any slave or slaves imported or brought into province by others, from any part of the world, after the first day of November next."

The Representatives of the district of Darien, in

The House being in the Committee of the Whole | Georgia, passed a resolution, in 1775, from which I read:

"To show the world that we are not influenced by any contracted or interested motives, but a general philanthropy for all mankind, of whatever climate, language or comfor all mankind, of whatever climate, ranguage or com-plexion, we hereby declare our disapprobation and abhor-rence of the unantural practice of slavery in America, (however the uncultivated state of our country or other specious arguments may plead for it,) a practice founded in injustice and cruelty, and highly dangerous to our liber-lies, (as well as lives,) debasing a part of our fellow crea-tures below men, and corrupting the morals and virtues of the rest."

Mr. Jefferson in the "Notes on Virginia," thus discourses on slavery.

"There must doubtless be an unhappy influence on the manners of our people, produced by the existence of sla-very among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous pas sions, the most unremitting despotism on the one part, and degrading submission on the other. Our children see this and learn to imitate it, for man is an imitative animal. This quality is the germ of all education in him. his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive, either in his philanthropy or his self-love, for restraining the intemperance of his passion towards his slave, it should always be a sufficient reason that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose rein to his worst passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiari-ties. The man must be a prodigy who can retain his manners and morals undepraved by such cifcumstances. And with what execution should the statesman be loaded, who, permitting one half of the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the amor patria of the other? For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another; in which he must lock up the faculties of his nature, contribute as far as he depends on his individual efforts to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry also is destroyed. For in a warm climate no man will labor for himself who can make another labor for him. This is so true, that of the proprietors of slaves a very small proportion, iudeed, are ever seen to labor. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be vinlated but with His wrath? INDEED I TREMBLE FOR MY COUNTRY WHEN I REFLECT THAT GOD IS JUST; THAT HIS JUSTICE CANNOT SLEEP FOREVER; that considering numbers, nature, and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events; that it may become probable by supernatural interference. The Almighty has no attribute which CAN TAKE SIDES WITH US IN SUCH A CONTEST."

In the Federal Convention that formed the Constitution. Gouverneur Morris said:

"He never would concur in upholding domestic slavery .

It was a nefarious institution. It was the curse of Heaven on the States where it prevailed." * " Upon what principle is it that the staves shall be computed in the repre then yote. Are they men? Then make them citizens, and let them yote. Are they property? Why then, is no other property included?"—Vide Madison Papers volume 111, pages 1263-14.

Colonel George Mason, of Virginia, said:

"Slavery discourages arts and manufactures. The slaves produce the most pernicious effects on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities.

"I hold it essential, in every point of view, that the General Government should have power to prevent the increase of slavery."- Vide Madison Papers, volume 111, page 1391.

SnidaMr. Ellsworth, of Connecticut:

"Slavery in time will not be a speck in our country."-Same volume, page 1392.

Mr. Sherman, of Connecticut, said: "He was opposed to a tax on staves, because it implied

they were property."-Ditto, p. 1396. Mr. Madison said, in the convention:

"I think it wrong to admit the idea, in the Constitution, that there can be properly in man.

Said Mr. Iredell, of North Carolina, in the convention of that State, speaking of the clause of the Constitution in regard to the slave trade:

"When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind, and every friend of human nature."—Elliott's Debales.

Mr. Wilson, of Pennsylvania, speaking of the same clause, said:

"I consider it as laying the foundation for banishing sla-ery out of the land. The new States that are to be formed very out of the land. will be under the control of Congress in this particular, and slaves will never be introduced among them. 32—Vide Elliott's Debates.

The Hon. Josiah Parker, of Virginia, a member of the first Congress under the Constitution,

"He hoped Congress would do all in their power to restore to human nature its inherent privileges, and, if possi-ble, wipe off the stigma which America labored under. The inconsistency of our principles, with which we are justly charged, should be done away, that we may show, by our actions, the pure beneficence of the doctrine we hold out to the world in our Declaration of Independence."

Colonel Bland, of the same State, said:

"He wished slaves had never been introduced into America; but as it was impossible, at this time, to cure the evil, he was very willing to join in any measures that would prevent its extending further."

Sir, the views of our fathers, in reference to this vexed and exciting question, found utterance in such expressions as I have quoted. Shall our views be expressed by the slavery provisions of this bill? If so, whence this change in public Slavery an evil, to be restrained and sentiment? removed. Slavery a blessing, to be extended and perpetuated. Which side shall we take? What record shall we make up? The gentleman from North Carolina [Mr. CLINGMAN] admits this change, and attributes it to causes not particularly flattering, I think, to southern character. True, he says Washington and Jefferson were of opinion that slavery was an evil, and that it would die out in no very long time. But they lived in the dawn of American republicanism, and had not learned all that was taught in the philosophy of human bondage. True, they were respectable men, and did pretty well for their time; but now, in the accumulated experience and enlarged wisdom of

this age, their opinions and authority are hardly worthy of the respect of the gentleman's notice.

Experience, says the gentleman, has shown that slavery is profitable, and that the section of country where it exists is prosperous and flourishing. Hence the opinions of men, in the light of experience, have undergone a change; and slavery is now considered an institution that ought to be protected, extended, and perpetuated. sir, according to the gentleman's showing, this change of opinion in the South, concerning slavery, has its foundation in the cupidity and avarice of the southern slaveholder's. In short, humanity does not pay. Mr. Chairman, among the reasons assigned by

the friends of this bill for the abrogation of the Missouri compromise, the following are the most prominent:

First. It is unconstitutional; in violation of the principles of self-government recognized in our political system.

Second. It is unconstitutional and unjust; for it denies equality of right in the States.

Third. What is called the Missouri compromise was not a compact binding the slaveholding section of the country, for it had not the proper and competent parties to it, to create such obligation.

Fourth. But if this were otherwise, the compact has been so often violated by the non-slaveholding party, by reason of their refusing to extend it, and in other respects, that it is no longer binding upon the slaveholding party.

Fifth. It is inconsistent with the principles of the compromise of 1850, and should therefore be declared inoperative and void.

If these reasons are not entirely consistent with each other, it may be thought sufficient by those who You will. use them, if any one is sound and valid. however, permit me to say, that as I have heard them advanced from time to time, I have been reminded of a defense made, a few years ago, in one of our courts, to a suit on a promissory note. The counsel for the defendant, in opening his case, said:

"We have, may it please the court, four defenses to this action: First. My client was a minor when he gave the note. Second. It is barred by the statute of limitations. Third. He never signed it; and, fourth, he has paid it."

But, sir, I deny all these propositions of the friends of repeal. I deny them in the gross and in the detail. I affirm the authority of Congress to make the restriction, and its duty to preserve it; and this affirmation I will endeavor to sustain, both upon principle and authority. And first, on principle. The country which we propose to organize is of the possessions and within the limits of the United States. No other Government has, or can have, any power or jurisdiction over it. There must exist now, there has existed since its purchase from France, the power somewhere to egislate concerning it. It could not be in France; it could not be in the territory; for there have not, till recently, been any people there, and none are legally there now. Where, then, could it exist, if not in the Government of the United States? This power of legislation in Congress results from the necessity of the case; it is also derived from the Constitution. Mr. Clay, in his great speech in February, 1850, to which I shall have occasion to refer hereafter, deduced it from the clause which gives Congress authority to make " needful rules and regulations for the territory and property of the United States," and from the treaty-making

power. How are such "rules and regulations" to be made? Of course, by legislative enactments; and such enactments may, and should be, such as Congress, in its wisdom, shall judge for the advantage of the Territory and the whole country. It may, if it chooses, and believes that the common welfare will be promoted, refuse to sell an acre of the lands, or to permit a settler to go there. It is not bound to open the country to settlement today, or to-morrow. But it may do so, and when it does, it may establish such regulations, and impose such conditions, as the owners (who can only act by majorities) shall see fit. It may provide for an organization of the Territory; and, in doing so, if it perceives that without some fundamental restriction, practices may grow up, and institutions be established, which will reduce the value of the lands, and render them unsalable, lead to disorders and difficulties, it may make such restrictions. Why, sir, the narrowest construction of the constitutional provision in reference to needful rules and regulations, cannot exclude the grant of this power. If Congress should consider that it would be an evil to the Territory, and the country at large, to have slavery established there, or if it should have just reason to apprehend that gambling, in any of its forms, would become the chief occupation of the people, it would be more than strange to say that it may not make such rules and regulations as should render it improbable that slavery would be introduced, or gambling engross the time and waste the substance of the people-rules which should tend to exclude institutions or practices which, by universal consent, would be of evil example, and scandalous to the country, (as polygamy or cannibalism,) and would secure to the National Treasury receipts commensurate with the just value of the lands.

This doctrine of congressional intervention passed unquestioned and unchallenged till 1848, when a new light rose above the horizon-a light which has "led to bewilder," if it has not "daz-zled to blind." Then we were told, for the first time, that the people of the Territories should be left to govern themselves-be free from the control, direction, or supervision of the General Government. What people; and who are they to govern? Shall a tent full of hunters or outlaws, or the first half dozen men who go into the Territory, make rules and laws which shall give direction to all succeeding legislation, and fix the character of the institutions to be established there? Because we believe in the doctrine of self-government, shall we say that there are no extreme cases which are exceptions to the rule? Do we say so practically? Minors, married women, and black men are, in most cases, excluded from the exercise of this right, if it be such; and it is not a little remarkable that this doctrine of universal sovereignty should be first mooted for the special purpose of depriving adult men, guilty of a skin not colored like our

own, of the right to govern themselves! But, if self-government is really meant by the friends of this bill, why have they not provided for it? Why have they carefully excluded it, save in a single particular, if at all? If the first settlers of Nebraska and Kanasa are competent to decide upon the great question of slavery, are they not qualified to judge of the petty details of legislation? The bill is intervention from one end to the other. Examine it—but you may as well expect to find lik in a male tiger, as the principle of non-inter-

vention in this bill, [Laughter.] It has intervention on the first page, for the very act of organization implies the power and necessity of congressional interference. It is on the second page, where you reserve to the Government of the United States the right to divide the territory hereafter; on the third page, where you declare that the governor and secretary shall be appointed by the President and Senate. You will not allow these men, with all their God-given rights, to choose their own governor-to appoint their secretary, their mar-shal, their attorney. You kindly do it for them, and facetiously term the process popular sovereignty. You limit, on the fourth page, the members of their council to thirteen, and refuse them authority to increase the number of their representatives beyond thirty-nine. Why not permit the people to determine this matter for themselves? Are they not, upon your own reasoning, better qualified than you, to judge in respect to the proper number of their councillors and representatives? We find on the sixth page, "that no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days." Who knows best-the members of the Territorial Legislature or the members of Congress-the length of time required by the Legislature to consider the wants and interests of the people of the Territories?

Again, we read, "that the right of suffrage and of holding office shall be exercised only by citizens of the United States." Why, sir, I thought the doctrine of "squatter sovereignty," as the Senator from Michigan [Mr. Cass] exultingly termed it, on the morning of the passage of this bill in the Senate, implied that the people of these Territories were to govern themselves without the intervention of our laws-that there a man's rights depended upon the fact that he was a man. May not a man be a man, or a squatter a squatter, although he may not be a citizen of the United States? Oh, the beauties, rare and radiant, of non-intervention! Proceeding with the bill, I notice, on the seventh page, that certain rules of taxation in respect to property of the United States and of non-residents are established by Congress. All very right, undoubtedly; but very like intervention. The same page acquaints us with the fact that the Governor has a veto on the doings of the Legislature, so far as to enable him-though not chosen by or from the people-to exercise a legislative power equal to one sixth of the mem-

bers of both Houses. Now, the laws which this Legislature may pass, must be enforced, and questions will arise as to their construction and validity. By whom shall these questions be decided-by judges appointed by the people and to them responsible, or by the appointees of a distant Executive? Of course non-intervention answers, the former, but this bill, on the 9th page, the latter. So if the people shall choose to taboo slavery the slave owner denies the validity of the law, and he goes to the court with his case, a court appointed by the President and Senate of the United States, liable to removal by the President; and do you think that such judges as will be appointed, have never heard of the southern opinion, that it is not competent under the Constitution of the United States, for a Territorial Legislature to pass any law for the prohibition of slavery?

Well, Mr. Chairman, in your faith in popular sovereignty, you have ordained, on the same

9th page, " That justices of the peace shall not have jurisdiction of any matter in controversy where the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars." You cannot trust the people to define the jurisdiction of justices of the peace, and I believe you call it self-government! And on the 10th page, such is your confidence in the judgment and discretion of the people, you have arranged for them the order of business in their courts. Such, sir, is your doctrine of non-intervention, in practice; a doctrine which you flatter yourselves is to make this bill popular in the North, and by which you hope to bring northern mem-bers to its support. It is all a delusion and a sham, as you will have seen by the citations which I have made, and which might be greatly extended. I do not deny the propriety and wisdom of these provisions-I only say that they are clearly and essentially inconsistent with the pretexts upon which you urge the passage of this bill.

But let us test this question of non-intervention a little further. The sovereignty you hold is not in the General Government but in the people of the Territory. If so, they may do whatever they choose, pass laws without your intervention or advice, establish their own institutions, create an order of nobility, make a king-why not? This Government cannot intervene. If they ask to be admitted as a State, you may require that they shall come in with a republican form of government; but if they do not ask, you have nothing to say or do. You cannot compel them to form a constitution, and petition to be admitted into the Union. They may remain out of the Union inlefinitely, and you have no bond of connection with, no authority over, them. This, although hey are within your exterior boundaries, upon erritory ceded to, and the property of, the United States. They are at the same time inside of the Union and outside of it! Yet, such must be the esult if you deny the right of intervention. If you dmit it, you leave its limitations, from necessity, to the discretion of Congress, under the Constituthe way of a practical exposition of this doctrine. But no matter; "Will you not let the people of the Territories govern themselves?" You cannot, fully, until they become citizens of States; and not then, even, for they will be under the restraints of the Federal Constitution. The very term, the fact, of territorial government repels the idea of full and unqualified self-government; it is a territorial government; the government of a ward. You pay from the National Treasury the expenses of these governments, you build the public edifices, furnish the libraries, extend over the Territories your revenue and postal laws, and criminal jurisdiction. You care for them, extend to them your aid and protection, you defend them, and you are bound to do it all. You are interested in them, all the States are interested in them, as future partners, and you must make such regulations and impose such conditions for them as will render them desirable partners.

The Senator from Michigan, [Mr. Cass,] and the gentleman from Georgia, [Mr. STEPHENS,] have likened the situation of the Territories to that of the American Colonies before the Revolu-But there is no analogy between the cases. The Colonies, were distant, outside dependencies with no prospect of a union or fusion with the old country; attempts were made to tax them, in an

offensive form, not for their own advantage, nor with any hope of advantage to them, and without their consent. Here, the Territories are integral parts of the American Union, soon to take their places as sovereign States in this great sisterhood of republics. In the mean time-during their minority, they are to be looked after, cherished and protected by the General Government. If that Government should pass arbitrary and unjust laws to operate on the Territories; should set up an intelerable tyranny over them, the people of the Territories might, as our fathers did, resort to the ultimate right—the right of revolution.

One word more as to the right of the first settlers in a Territory to fix the character of the insti-tutions to be established therein. These settlers do not, in such case, legislate for the Territory alone; they act for the whole country in some measure. You and I, sir, are interested in what shall be done. We are owners, interested in the soil, in the uses to which it shall be appropriated; in the institutions which shall grow up thereon; whether they shall strengthen the Union, or plant the seeds of dissolution and decay. And I am interested to know whether these infant communities are to be led up into States in which five chattels shall have a political representation in this House, equal to what is enjoyed by two of my neighbors and myself? The early legislation concerning the Territories should have regard to all these high interests. These interests are in the keeping of this Government; and the people will hold the Government, and Congress, which is its organ, to a strict responsibility.

But I desire to let the friends of the bill answer each other. The principal grounds upon which it is advocated are non intervention, and equality of rights, or the right of the southern people to carry their slave property into the Territories. mer has a northern and the latter a southern face. Of the friends of repeal, perhaps half of them favor it on the principle of non-intervention, utterly denying the validity and even plausibility of the other doctrine. The other halfscout the heresy of non-intervention, and contend manfully for equal rights. These parties answer each other most perfectly and conclusively. See how it is done. I now ask your attention to what is said of the doctrine of non-intervention.

Senator Brown, of Mississippi, says:

"What I contend for is, that if the people have the right of self government, as contended for by the Senator from Michigan, then you have no right to appoint officers to rule Michigan, then you have no right to appoint officers to rule over them, no reach that they shall send up their have for your approval. And if they have not the sovereign which entitles them to appoint their own officers, and to disturb the source of the sovereign of the source of t

self-government—until they come to slavery, and then their power is as boundless as the universe, and as unlim-ited as God can make it."

"If I am not mistaken in the antecedents of the Scnator, some sixteen or twenty years of his now protracted and honorable life have been spent in the government of one of these Territories. He was commissioned to do so, not by Henven, but by the President of the United States. The people whom he governed with so much ability, and with such acknowledged advantage, to them, were never consuited as to whether he should be their Governor. The President commissioned him, and that was the end of it-All the people had to do was to receive him, and to respect him as their Governor. When the Senator comes to reply, I had it gold to learn from him how he justifies himself in facking a man's commission to rule over a spople who will be the special commission to rule over a spople who release? It seems to me, without explanation, that the Senstor has stood, according to his own theory, every much like a usurper; and if I had not the greatest possible veneration and respect for theSenator, I would say a usurper who had implously interposed to wrest from a people the greatest and beaugist of Heaven—the right of self-growment."

The Senator from South Carolina, [Mr. Bur-Lea,] in the course of the debate in the Senate on this bill, expressed himself as follows:

will know, air, that it has been bild that, we are parting will know, air, that it has been bild that we are parting will know, air, that it has been bild that we it Perits. We will be the provided by the p

Mr. Calhoun has denied this doctrine in the following terms:

"But the civil rights, the political principles of our Government, are not to be transferred to those who shall be first in the race to reach newly-acquired possessions, or who shall by accident be found upon them."

The Charleston Mercury, in a recent article, speaks of squatter sovereignty in these words:

⁴⁴ If it is intended to be engreed by Senator Douglas, that in ceating territorial government, inverted with the unual powers, they can legislate so as to exclude and abolish starty, sales the very law which organizes then declares the Territories open to the immigration and settlement of the Territories open to the immigration and settlement of the markedolder, we must reject such a proposition as not only unconstitutional, but as containing upon its very face the mark of treachery—it would indeed be the climax of specious justice to proclim non-intervention on the part of the principle of intenses and the Constitution, but as the principle of intenses and the Constitution, but the principle of intenses and the Constitution of the Constitutio

But, that there should be no controversy as to the right of the people of the Territories to prohibit slavery, and to test the sincerity of those who were advocating the bill on the ground of popular sovereignty, Senator Chase, of Ohio, proposed this amendment.

"Under which the people of the Territory, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein."

The vote upon it was as follows:

YEAS—Messrs. Chase, Dodge of Wisconsin, Fessenden, Fish, Foot, Hamlin, Seward, Smith, Sumner, and Wade

—10.

NAYS—Messrs. Adams, Atchison, Badger, Bell, Benjamin, Brodhead, Brown, Butler, Olay, Clayton, Dawson, Dixon, Dodge of lowa, Dougias, Evans, Fitzpatick, Gwin, Houston, Huuter, Johnson, Jones of Iowa, Jones of Teneseee, Mason, Morton, Norris, Petitl, Pratt, Kusk, Sebastun, Saleids, Sildell, Siturit, Thuey, Walker, Weiler, and Willeams—56.

General Cass not voting!

Here we find the doctrine of popular sovereignty repudiated by those who claim to justify their votes for this bill upon the assumption that it is the true doctrine. And when thus repudiated, the author of the Nicholson letter votes for the bill.

Mr. Chairman, I was somewhat surprised when the gentleman from Georgia [Mr. Stephens] allied himself with the advocates of this doctrine. I had supposed that he held very different opinions from those contained in his recent speech. He then said:

"That the citizens of every distinct and separate community or State should have the right to govern themselves in their domestic matters as they please, and that they should be free from the intermeddling restrictions and arbitrary dictation on such matters from any other Power or Government in which they have no voice. It was out of a violation of this very principle, to a great extent, that the war of the Revolution sprung."

Again:

4 We do not task you to force southern institutions or our form of civil policy upon them; but to let the free entgrants to our vast public domain, in every part and parcel of it, settle this question for themselves, with all the experience, intelligence, virtue, and patriotism they may carry with or our position. If it, set I knee said, the entire of the position of the position. If it, set I knee said, the left that principles of the position of the positi

This, he says, is the original position of the South, upon which she was thrown back in June, 1850. The original position of the South! Why, sir, I find that upon the 17th of July, 1850, the gentleman himself, in answer to the gentleman from Virginia, [Mr. Bayly,] denied this doctrine. In reply to what the gentleman from Virginia had said on a previous occasion, he remarked.

41 remember that speech well. I disagreed with it then, and now. I did not then bold, nor do I now, that the people of the Territories had any such right as contended for. I have alluded to this speech barely to answer the gentleman out of his own mouth. I hold that when this Government of his own mouth. I hold that when this Government was the state of the desired to Congress. I did the discretion of Congress.

The gentleman said something more in the same speech which I would commend to his consideration at this time:

"We live, Mr. Chairman, in a strange world. There are many things of a strange character about us, but nothing seems stranger to me than the rapid change which sometimes takes place in men's opinions upon great questions."

Now, sir, in the second place, I propose to examine this question briefly in the light of history, precedent, and the opinions of public men expressed

before this repeal was agitated.

When taxed with the existence of slavery in this country, it has been our answer and defense, that it was planted amongst us by the British Government and people during our colonial existence; that we were not responsible for its introduction, but only for our faithfulness in the use of means to alleviate and remove it. It was considered an evil by the people of the Colonies before the Revolution. This appears sufficiently by the extracts which I have given. It was so regarded during the Revolution. I need adduce no other proof of this than the Declaration of Independence, which declares that "all men are created equal, and that they have, among other "inalienable rights," that of "liberty." So after the Revolution; for, in 1787, the Congress of the Confederation made that immortal ordinance which excluded slavery forever from the Northwest Territory. In 1788; in order "to establish justice" a "andto scenre the Messinger of liberty" to themselves and
their posterity, our fathers established the Constitution of the United States—an instrument which
provided for the abolition of the slave trade in 1808,
and which carefully and studiously excludes from
its pages the words "slave" and "servitude."
Under this Constitution we live and act. In the
light of its provisions and exclusions, and of the
fact that the old Congress had but just adopted the
ordinance of 1787, can we believe for a moment
that it was their intention to frame a Constitution
under which Congress would be powerless to
restrain the extension of so great an evil as they
held slavery to be?

Looking along, we find that during the administrations of nearly all the Presidents from Washington to Polk, territorial governments have been organized by Congress, with the approbation of southern and northern Presidents alike, which have contained provisions similar to the ordinance of 1787 and the Wilmot proviso, and by which his doctrine of intervention and slavery restriction has been recognized and affirmed almost from the foundation of the Government to the present

me.
In 1830 this Missouri compromise, which conuns the principle of the Wilmot proviso, was
ade, and principally by southern votes. It was
sproved by Mr. Monroe, a Virginian, and it is
dt that its constitutionality was affirmed by his
abinet, which contained such men as John
uincy Adams, William H. Crawford, John C.
alboun, and William Wirt. I understand, too,
at the Supreme Court have in various decisions,
rectly or indirectly, recognized its validity.

To show how distinctly this doctrine was held late as 1850 by our leading public men, I will ad from the debates of that period, and first om Mr. Clay:

"Bull must say, in a few words, that I think there are two sources of power, either of which is sufficient, in my judgment, to authorize the exercise of the power, either to introduce or keep out slavery, outsider. I introduce or keep out slavery, outsider. I interest the many time, of which so much has been consumed aiready, to show that the clause which gives to Congress the power to make needful rules and regulations respecting the territory and other property of the United States, conveys the power to legislate for the Territories.

"Now, sir, recollect when this Constitution was adopted that territory was unpeopled; and how was it possible that Congress, to whom it had been ceded, for the common ben-efit of the ceding States and the other States of the Union, had no power whatever to declare what description of settlers should occupy the public lands? Suppose that Congress had taken up the notion that slavery would enhance the value of the land, and, with a view to replenish the public Treasury, and augment the revenue from that source, that the introduction of slavery there would be more advantageous than its exclusion, would they not have had the right, under that clause which authorizes Congress to make the necessary 'rules and regulations respecting the territory and other property belonging to the United States? -would they have no right, discretion, or authority-what-ever you may choose to call it—to say that anybody who chose to bring his slaves and settle upon the land and improve it, should do so? It might be said that it would enhance the value of the property; it would give importance to the country; it would build up towns and villages and, in fine, we may suppose that Congress might think that a greater amount of revenue might be derived from the waste lands by the introduction of slavery than could be secured by its exclusion; and will it be contended, if they so thought, that they would have no right to make such

44] will not further dwell upon this part of the subject; but I have said there is another source of power equally satisfactory in my mind, equally conclusive as that which relates specifically to the Territories. This is the territories making power—the acquiring, power. Now, I put it to gentlemen, is there not at this moment somewhere existgenuemen, is there not at time informer income in ing, the power either to admit or exclude slavery from the territories acquired from Mexico? It is not an annihilated power. That is impossible. It is a substantive, actual, existing power. And where does it exist? It existed—no one, I presume, denies—In Mexico prior to the cession of those territories. Mexico could have abolished slavery, or have introduced slavery, either in California or New Moxico. Nor, that appropriate the control of th Mexico. Now, that power must have been ceded. Who will deny that? Mexico has parted with the territory, and with it the sovereignty over the territory; and to whom did she transfer it? She transferred the territory and the sovereignty over the territory to the Government of the United The Government of the United States then acquired all the territory, and all the sovereignty over that territory which Mexico held in California and New Mexico prior to the cession of these territories. Sir, dispute that No one will contend for its annihilation. It existed in Mexico. No one, I think, can deny that Mexico alienates her sovereignty over the territory to the Government of the United States. The Government of the United States, therefore, possess all the powers which Mexico possessed over those territories; and the Government of the United States can do with reference to them-within, I admit, certain limits of the Constitution-whatever Mexico could have There are prohibitions upon the power of Congress, within the Constitution, which prohibitions, I admit, must apply to Congress whenever it legislates, whether for the old States or the new Territories; but within the scope of these prohibitions; and none of them restrain the exercise of the power of Congress upon the subject of slavery; the powers of Congress are coextensive and coequal with the powers of Mexico prior to the cession."

powers of Mexico prior to the dession."
"The power of acquisition by ready and was with it the
power to govern this territory acquire,
the territory acquired to the territory acquired to
the power of the Government of the United States to act
upon the Territories in general.

thou me remitories in genera

I now read from Senator BADGER:

If have said it at home: Invested and it verywhere—I have said it at home: Invested it verywhere—I have a little and it is a little and it a little and it a little and it a little and it a little and it

Mr. Douglas, speaking of the slavery restriction applied to the Oregon bill in 1848, and for which he voted, remarked:

"It is a simple, plain provision of law, older than the Government itself, and, in my opinion, entirely unnecessary; at the same time that it is free from insuperable constitutional difficulty, with the sanction of precedents under almost every Administration, to warrant its adoption."

And of the Missouri compromise he spoke as

"That measure was adopted in the bill for the admission of "That measure was adopted in the bill for the admission of the south by the union of northern one doubtern selection in its south by the professed to be willing to abide by it, and even to continue it, as a fair and honorable adjustment of a vected and difficult question. In 1845 it was adopted in the resolutions for the annexation of Texas by southern as well as northern votes, without the slightest complaint that it was unfair to my section of the country. In 1845 it secured the reported in the secure of the proportion, without exception—as an alternative measure to the Wilmott provise. And again, in 1848, as an amendment to the Oregon bill, on my motion, it received the vote, if I recollect right, of every southern Senator, Whig and Democrat, even including the Senator from South Carolina thinself, file. Caldoun.)

If this principle of slavery restriction by Congress had been deemed unconstitutional, or so very objectionable as gentlemen now contend, how could it have received the vote of all the southern Senators, as above stated; and how could it have been moved by the Senator from Illinois himself? And

does this extract look as if southern gentlemen, or the Senator, thought, at any of the dates referred to, that a refusal by the North to "continue" the Missouri line would obliterate the line

already established?

Now, I desire to know, Mr. Chairman, if any question under the Constitution can ever be settled? Sir, is it possible for any right or power, in respect to which a doubt can be raised, to be better established than this of slavery restriction by Congress? We have contemporaneous construction—sixty years of acquiescence and affirmation by all the authorities, departments, and tribunals of the Government, and the intelligent assent of the

entire people.

With this authority, this history, are we now to be told, or to believe, that Congress has no power to legislate for the Territories, or, by such legislation, to restrict the extension of slavery? If slavery be the evil which our fathers, in the South as well as in the North, held it to be, what a reproach to their memory if they gave us a Government impotent to restrain it-too feeble to prevent its overrunning and blasting the free green earth of God. Generations have lived and died in the faith that this power existed in the Government. It was never doubted until political necessities brought out, in 1848, the celebrated Cass-Nicholson letter-a bundle of absurdities-with the doctrine of non-intervention, which, having done no little mischief by its tendency to unsettle old and well-established opinions, will, after this bill shall be disposed of, be consigned, by common consent, to that "limbo large and broad" long since prepared as the receptacle of exploded humbugs. [Laugh-

Well, sir, as I have said, the drama of nonintervention after one performance more, will be removed from the stage forever. As we sometimes read on the bills, it is "postively for one night only." Whether it shall accomplish the abrogation of the Missouri compromise or not, it will have filled its destiny. In the former case, it will be thrown overboard by the South as a thing for which they never had any respect, and now have no further use. Then we shall hear that the time has come for the inculcation of the true doctrine: "The North is sufficiently weakened and humbled-the country is ready for itlet it be proclaimed everywhere, that the Constitution of the United States, proprio vigore, carries slavery wherever the flag of the Union flies." It carries it, we shall be told, into the Territories, and neither Congress nor the local Legislatures, nor both combined, can restrain its march, for the Constitution is above both, is the supreme law of the land. Ay, and carries it into all the States, for neither State laws nor State constitutions can exclude the enjoyment of a right guarantied by the Constitution of the Federal Government. This, sir, is the doctrine with which we shall be vigorously pressed if this bill is carried. Already has it been more than hinted, and whoever has noticed the advanced ground which slavery occupies now, compared with that on which it rested in 1850, will not be slow to believe it.

I will here ask your attention to the fact, which I meant to have noticed before, that Senator HUNTER, of Virginia, the gentleman from North Carolina, [Mr. CLINGMAN,] and nearly all southern gentlemen who have spoken on this subject, and have in any manner recognized the doctrine of non-intervention, are careful to limit the right of

the people of the Territories to legislate for themselves, by the Constitution of the United States; and that they hold that the Constitution forbids all territorial legislation for the prohibition of

slavery.

And in this connection let me remark, what you must have observed, that in the debate which took place in the Senate a few days ago on the Badger amendment, it was distinctly stated by southern Senators, that in the event of future acquisitions of territory, no implication was to be drawn from this bill that the people of such Territory should be allowed to decide for themselves the question of the admission of slavery.

In view of these facts, northern gentlemen will perceive how transcendently important it is for them to make, while they are yet able, a successful stand against the aggressions of the slave power.

I do not mean to say, sir, that all southern men are prepared to go these extreme lengths. I know they are not. I know that there is honor, wisdom, moderation, and patriotism in the South, but I fear they will be overborne by the fanaticism of slavery; for there is a fanaticism of slavery; for they so they so fairly say there is of anti-slavery in the North, and I do not think it half so excusable or respectable as the latter.

11. The Missouri compromise is unconstitutional and unjust—it denies equal rights to the citizens of the

several States.

This, I think is a very palpable mistake. I.do not see how the citizen of any State is deprived by the Missouri compromise of any right which a citizen of any other State can enjoy. The southern man as well as the northern man can go my other State can be seen and when there the same laws will be

over both. But the southern man complains that he cannot carry his local laws with him. The northern man cannot carry his, and yet he does not complain. That the southern man may not take his slave there is no hardship. If he wishes to go he must content himself to do as the northern man does, who sells his property—his ship or

his bank charter-which he cannot take with him. Mr. Chairman, let us look at the practical operation of this doctrine. If it be true that a citizen of any State can take with him and hold as property in a Territory, whatever is regarded as property in his State, and neither Congress nor the local Legislature can forbid him, what a jumble and confusion of rights would ensue. For instance, a citizen of Maine cannot take intoxicating liquors with him-a citizen of Pennsylvania may; a citizen of Massachusetts cannot carry gamecocks-others may; a citizen of New York cannot go with slaves-a South Carolinian may. A native of the Emerald Isle, who may have been in the country but a year, if a resident of Illinois, where he was a legal voter, may, upon this theory, be a voter in the Territory; but if he has been a resident of New Hampshire for twenty years, if he has never been naturalized, he can have no vote. Well, if this doctrine be sound, and such is its operation in the Territories, it must by parity of reason have the same operation in the States; and what is denied to be property in every State in the Union, except Maine, may be held as property by emigrants from that State in every other; and so, to this extent, every State must be governed by the laws of Maine, to the injustice of her own citizens and those of all the other States.

But in this regard I wish to let the northern

friends of the bill answer the southern friends; and I think they do it most effectually. Mr. Douglas adverted to this argument in 1850 in terms like these:

"But you say that we propose to prohibit by law your emigrating to the Territories with your property. We propose no such thing." We recognize your right, in common with our own, to emigrate to the Territories with your property, and there hold and enjoy it in subordination to the laws you may find in force in the country. Those laws, in some respects, differ from our own, as the laws of the va-rious States of this Union vary, on some points, from the laws of each other. Some species of property are excluded laws of each other. Some species of property are excluded by law in most of the States, as well as Territories, as being unwise, immoral, or contrary to the principles of sound public policy. For instance, the banker is prohibited from emigrating to Minnesota, Oregon, or California, with his bank. The bank may be properly by the laws of New York, but ceases to be so when taken into a State or Territory where banking is prohibited by the local law. ardent spirits, whisky, brandy, all the iotoxicating drinks, are recognized and protected as property in most of the States, if not all of them; but no citizen, whether from the North or South, can take this species of property with him, and hold, sell, or use it at his pleasure in all the Territories, because it is prohibited by the local law-in Oregon by the statutes of the Territory, and in the Indian country by the acts of Congress. Nor can n man go there and take and hold his slave, for the same reason. These laws and many others involving similar principles, are directed against no section, and impair the rights of on State in the Union-They are laws against the introduction, sale, and use of specific kinds of property, who ther brought from the North or the South, or from foreign countries.

General Cass, in his late speech in the Senate, answered this objection successfully and triumphantly. He said:

"The second objection which I propose to consider, connected with this alleged seizure of the public domain, is, that a southern man cannot go there because he cannot take his property with him, and is thus excluded by peculiar considerations from his share of the comoton property.

"So far as this branch of the subject connects itself with slaves, regarded merely as property, it is certainly true that the necessity of leaving and of disposing of them may put the owners to inconvenience—to loss, indeed—a state of things incident to all emigration to distant regions; for there are many species of that property, which constitutes the common stock of society, that cannot be taken there. Some because they are prohibited by the laws of nature, as bouses and farms; others because they are prohibited by the laws of man, as slaves, incorporated companies, 100nopo lies, and many interdicted articles; and others again. cause they are prohibited by statistical laws, which regulate the transportation of property, and virtually confine much of it within certain limits which it cannot overcome, in consequence of the expense attendiog distant removal: and among these latter articles are cattle, and much of the property which is everywhere to be found. The remedy in all these cases is the same, and is equally applicable to all classes of proprietors, whether living in Massachusetts, or New York, or South Carolina, and that is to convert all these various kinds of property into universal representative of value, money, and to take that to these new regions, where it will command whatever may be necessary to comfort or to prosperous enterprise. In all these instances the practical result is the same, and the same is the condition of equality."

Again:

4° Such a principle would strike at independent and necessary legislation, at many police laws, at sanitary laws, and at laws for the protection of public and private morals, and expenses of the protection of public and private morals. Addent spirits, deadly poisons, implements of gaming, as others, injurious to strengerous condition of a new society, would be piaced beyond the reach of legislative interdiction, whatever might be the wants or the wishes of the country upon the subject. For the constitutional right by which it is claimed that these species of property may be cannot be controlled, if it exists by the local Englatures; for that might lead, and in many cases would lead, to the restriction of list value."

"And we are thus brought to this strange practical result: that in all controversies relative to these prohibited articles, it is not the statute-book of the country where they are to be held, which must be consulted to ascertain the

rights of the parties, but the statute-books of other Governments, whose citizens, thus, in effect, bring their laws with them, and hold on to them."

III. The Missouri compromise (so called) was not a compact binding the staveholding section of the country, because it had not the proper parties to create such obligation.

I maintain that the legislation, in virtue of which Missouri was admitted into the Union, had the essential elements of a compromise or compact, and that the North may fairly hold the South to a faithful observance of its provisions. When Congress was called upon to pass an act preparatory to the admission of Missouri, the northern members of the House, with great unanimity, opposed her admission as a slave State. Many attempts were made to carry the measure, but they all failed. It became apparent that no act could pass the House of Representatives looking simply to the admission of Missouri as a slave State. At length a compromise was proposed. souri, in which slaves were then held, was to be admitted with a constitution recognizing Blavery, and the rest of the territory acquired from France was to be set apart for freedom forever. bill, as amended by this provision of compromise, passed both Houses of Congress and became a law. It was voted for by nearly the entire South, and obtained a sufficient number of north-ern votes to carry it. The latter were given, as the record shows, purely and simply in consideration of the exclusion of slavery stipulated for in the eighth section of the act. Without this exclusion, Missouri could not have been admitted; with it, she became a State. She was admitted by northern votes, and could not have been without. It is not of the slightest importance whether one tenth or nine tenths of the northern members voted for the bill. It is enough that a sufficient number voted for it to pass it, and whatever it contained for the advantage of the non-slaveholding section inured to its benefit fully and completely. because its terms were so hard that it could not obtain the favor of a majority of the northern Representatives, can afford no reason why the North should not enjoy the modicum of justice which, it was supposed, was secured to her. It should seem that this fact would only enhance and render more sacred the obligation of the South. But if this compromise is of no force for the reason now assigned, what is to become of the compromise acts of 1850, no one of which, I believe, obtained the votes of a majority of both southern and northern members of Congress?

Again: The lawyers tell us that subsequent ratification is acquivedent to previous authority; and that such ratification may be inferred from long acquiescence. The North has faithfully and religiously acquiesced for thirty-four years in this compromise. It is now too late to say that she has no claims under it. Why, sir, it is but a little more than a year ago that the present chairman of the Committee on Territories [Mr. Ruchanson] reported a bill for the organization of the Territory of Nebraska, in which there was no provision for the abrogation of this compromise, and no suggestion that it was inoperative and void. He advocated its passage with earnestness additive. It encountered no opposition except on the Indian question. While it was before the House, a gentleman from Pennsylvania, no longer a member, [Mr. John W. Howe,] who was a the habit of saying that he was a Whig with Free-

Soil tendencies, inquired of the gentleman from Ohio [Mr. Giddings] why the bill did not contain the Wilmot proviso? Mr. Giddings, in reply, after quoting the eighth section of the act of 1820, remarked that:

"This law stands perpetually, and I did not think that this act would receive any increased validity by a reënactment. There I leave the matter. It is very clear that the territory included in that treaty must be forever free, unless that law be repealed.

And yet, sir, no gentleman proposed to amend the bill; and it passed this branch by a vote of ninety-eight to forty-three, a large number of southern members voting with the majority. The bill went to the Senate, and was there pressed by the Senator from Illinois, without any suggestion of change in its provisions so far as respects slavery; but it failed for want of time, and, I think, for no other reason. It was at this time that the Senator from Missouri [Mr. Atchison] made the declaration which has been alluded to in this debate. He said:

"I have always been of opinion that the first great error committed in the political history of this country was the ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri compromise But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years hence."

Now, I beg to ask, whence this new light which has so suddenly flashed upon the minds of honorable and learned members? Were they stark blind in 1853? Who had rifled them of their memories and their wits? If the Missouri compromise is unconstitutional, unjust, and superseded by the principles of the compromise of 1850, in 1854, was it not equally so in 1853? And if so, did not gentlemen know it then as well as they do now? And, if they knew it, how could they vote for it—so unjust, so greatly wrong, so flagrantly unconstitutional, as they declare it to be? Oh! sir, can anything be more impudent, more audacious, more insulting to the good sense of the American people, than this attempt to annul the Missouri compromise, for the reasons now assigned for the act?

IV. and V. The act preparatory to the admission of Missouri, if originally binding upon the South as a compromise, has, by repeated violations on the part of the North, ceased to have any such obligation. And, besides, it is inconsistent with the compromise

acts of 1850.

It was violated by the North, as some gentlemen contend, in 1821, when Missouri, having adopted a constitution, asked for admission as a The objection of the North at that time was, as everybody knows, or ought to know, wholly independent of the fact that her constitution tolerated slaveholding. It was because that constitution contained a provision for the exclusion from the State of free people of color. The gentleman from Louisiana [Mr. Hunt] has set this matter right so clearly and so well, that I need not dwell upon it. It was then that the joint resolution for the admission of Missouri, in which Mr. Clay acted so conspicuous a part, was adopt-ed. When this resolution was passed, and Missouri admitted, the compromise, if before inchoate and executory, became a fixed fact, a compact executed in behalf of the South, and complete and perfect in its obligation. If Missouri had never

asked to be admitted, the act of the previous session would have remained executory, and perhaps repealable, without any suggestion of bad faith; but when it had been so far carried out as to admit Missouri, then, in all honor and good neighborhood, it was irrepealable by the South.

The North violated the compromise, insists the gentleman from Georgia, [Mr. STEPHENS,] in 1836, when Arkansas applied for leave to come in as a State. He tells us that Mr. John Quincy Adams led off the northern forces in opposition to her admission, and leaves it to be inferred that this opposition was because she would be a slave State. Mark how plain a tale shall answer the gentleman. I quote what Mr. Adams said upon that occasion:

"Mr. Chairman, I cannot, consistently with my sense of my obligations as a citizen of the United States, and bound by oath to support the Constitution, I cannot object to the admission of Arkansus into the Union as a slave State. I cannot propose or agree to make it a condition of her admission, that a convention of her people shall expunge this article from her constitution."

Again:

"Arkansas, therefore, comes, and has a right to come, into the Union with her slaves and her slave laws. It is writ-ten in the bond; and however I may lament that it ever was written, I must faithfully perform its obligations.

The following will show what he did object to: "But I am unwilling that Congress, in accepting her constitution, should even lie under the imputation of assenting to an article in the constitution of a State which withholds from its Legislature the power of giving freedom to

Is this the way history is to be read to make out

Again, we are informed that this compromise was violated by the North in 1845, 1848, and 1850.

A learned and able Senator [Mr. BADGER] contends that the line of 360 30' was to apply to States as well as Territories, and to all territory, as well to such as might thereafter be acquired as to the territory then held by the United States. This, he says, was the idea, the principle of the compromise:

"The Missouri compromise law intended to fix it as a rule for all Territories of the United States. It is applied rule for all Territories of the United States. It is applied in terms to all that territory which was coded by France; but we had no other territory. That was all the territory which we then had, whose destiny was to be settled by an act of Congress. Therefore, the further principle involved act of Congress. Therefore, the further pr was this: They inlended to compromise question between the different portions of the Union then and forever,"

Well, sir, that rule or principle, as we are assured, having been violated by the North, and being no longer in force, was succeeded, or superseded, by a new principle in 1850, the principle of non-intervention.

I cannot help thinking that these assumptions of the Senator are unwarranted by anything which has been done, or omitted to be done, by Con-gress, from 1820 to this time. When Missouri was admitted, slavery existed within her limits, as it did in what is now Arkansas. There were then no slaves, except in Missouri, north of the line of 360 30'. The great thought, the principle of the compromise of 1820, was, that where slavery then existed in fact, it should be permitted to remain; but that from all the territory which we possessed, into which it had not found its way, it should be forever excluded. The idea was clearly that of prohibition. The law provided that in territory where slavery did not then actually exist it never should exist. This was the

be deduced from this fact

In 1845, when Texas was annexed, the same principle was adhered to. Slavery was in Texas, and it was not to be abolished by Congress; but it was not to be extended by possibility to territory then free; and the principle of slavery re-striction was distinctly affirmed. Here is the third article of the second section of the joint resolution for annexing Texas:

"New States, of convenient size, not exceeding four in number, in addition to said State of Texus, having suffi-cient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal And such States as may be formed out of that portion of said territory lying south of 36° 30' north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire.
And in such State or States as shall be formed out of the
territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohib-

The North did not at this time undertake to disturb the Missouri line. She did not then attempt, and she never has attempted, to interfere with slavery in Missouri or Arkansas, or impair

their rights as States.

When the Territory of Oregon was organized in 1848, the principle of slavery prohibition was recognized by the adoption of the Wilmot proviso. That the constitutionality of the proviso could not have been seriously questioned at that time, is manifest from the fact that the Oregon bill obtained the official sanction of President Polk.

It was when this bill was before the Senate that Mr. Webster said, in reference to the principle

of the Wilmot proviso:

"For one, I wish to avoid all committals, all traps, by way of preamble or recital; and, as I do not intend to discuss this question at large, I content myself with saying, in few words, that my opposition to the further extension In tew Words, that my opposition to the interest extension of local slowery is this country, or to the increase of slave representation in Congress, is general and universal. It has no reference to limits of latitude or points of the compact. I shall oppose all such extension, and all such increase, in all places, at all times, under all circumstances, even against all inducements, against all supposed limitations of great interests, against all combinations, against all COMPROMISES."

This action of Congress was in harmony with the principle of the Missouri compromise, and was a legitimate expression of that principle on a

And now, sir, to come down to the compromise acts of 1850. In what respect, and how, did the North at this time violate the compromise of 1820? Which of these acts is inconsistent with that compromise, and which contains the princi-ples of non-intervention? The acts for the organization of the Territories of Utah and New Mexico, and for the Texas boundary settlement, are the only laws of that series which bear at all upon these questions. Let us examine them.

In the fifth clause of the first section of the Texas boundary bill, one of the acts constituting

the compromise of 1850, are these words: " Provided, That nothing herein contained shall be construed to impair or qualify anything contained in the annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas, or otherwise."

Here, by reference to the joint resolution which I have read, we find that the Missouri compromise was not only not repudiated, not only not ignored, but expressly referred to and recognized as an existing fact and of continuing obligation;

What principle but that of restriction could || and yet we are told that Congress at this time was legislating in such way as to work its complete abrogation.

The New Mexico and Utah acts provide that those Territories, when ready to become States, may be admitted with, or without slavery as their constitutions shall prescribe. It was not contended then, nor is it now, by the great majority of the friends of slavery prohibition, that Congress can control this matter in the States; and to say that the States can do as they please, is very far from

saying that the Territories may.

But the Wilmot proviso was not attached to these acts, and therefore its principle was abandoned. Abandoned! by whom? Let us see. These bills were passed by the aid of such men as CLAY, WEBSTER, BADGER, DOUGLAS; and without their help, and that of many others who entertained similar views to theirs, they could not have become laws. Did they advocate them on the ground that, if they should pass, they would abrogate the Missouri compromise, or would operate as an abandonment in any way of the principle of prohibition? Not at all; but they all affirmed the power to make such restriction, and most of them the propriety of it, where it could be of any practical service. But here they alleged that what was as good as the proviso was already in force. The Mexican law, they said, excluded slavery in these Territories-it does not now exist there by law, and it cannot go there unless you shall legislate it in; and if you are disposed to do that, you can as well repeal the Wilmot proviso, if it should be adopted. But more, slavery is excluded by a higher law than this-the law of God. Here is what is equivalent to two Wilmot provisoes; why make a third? It can do no possible good; it will be regarded by the South as an unnecessary act for the protection of the North, and as something insisted upon merely to taunt her. Considerations like these, all implying the duty and the principle of restriction, prevailed with a sufficient number of northern members to induce them to forego the Wilmot proviso. I think they made a mistake; but I will not charge them with abandoning the principle. For when I see the grounds upon which they acted, I perceive that they meant to affirm, and by their action did affirm, this principle. 'To the testimony. And first, I will read from one of the resolutions offered by Mr. Clay, in February,

Resolved, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the Republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into, or exclusion from, any part of the said Territory."

From Mr. Clay's speech, made upon his reso-

lutions, I read as follows:

" I take it for granted that what I have said will satisfy the Senate of that first truth, that slavery does not exist there by law, unless slavery was carried there the moment the treaty was ratified by the two parties to the treaty, under the operation of the Constitution of the United States. upon the consummation of the treaty, the Constitution of the United States spread itself over the acquired country, and carried along with it the institution of slavery, is so irreconcilable with any comprehension, or any reason which I possess, that I hardly know how to meet it."

Mr. Clay, so far from thinking that the legislation of 1850 would in principle open up the Ter-

ritory to slavery, used this language:

"But if, unhappily, we should be involved in war, in civil war, between the two parts of this Confederacy, in which the effort upon the one side should be to restrain the introduction of slavery into the new Territories, and upon

the other side to force its introduction here, what a speccle should we present to the aconsishment of mankind, in an effort, not to propagate rights, but—I must say it, though I rust it will be understood to be said with no design to excite feeling—a war to propagate groups in the terselection of the said of the said of the said of the said which all mankind would be against us; for, from the commencement of the Revolution down to the present time, we have constantly reproached our British ancestors for the introduction of slavey into this country.⁷²

Again, we find him making use of language like

"I have said that I never could vote for it myself; and I repeal, that I never can, and never will vote, and no earthly power ever will make me vote, to spread slavery over nerritory where it does not exist."

Who can doubt where Henry Clay would be on this question, if he were living; or that, in 1850, he affirmed the policy of restriction?

Hear Mr. Webster, in his 7th of March speech:

"Bir, whiegever there is a particular good to be done—
wherever litere is a loot of land to be staid back from becoming shave territory—I am ready to assert the principle
of the exchision of slavery. I am pledged to it from the
year 1837; I have been pledged to it again and again; and
I will perform those pedgess.

Does this look like his consenting to a bill which he understood was, in the principle it contained, to repeal the Missouri compromise, and permit slavery to go into Nebraska?

That you may understand, sir, what sort of arguments and appeals were made by southern men to the time, I will read from a speech made by Senator Badger; and he was not alone among southern members in this line of argument and appeal:

angument and appeared by the half, in point of law, slavery — Man's gendement given those territories. Well, now, sir, I have said, and I say it again—for I do not conceau any views! may current no file subject—that I belong to that class of public men who entertain the opinion, and I have a very strang conviction of its corrections, that the civil or a territorial control of the civil or at the time they passed into our hands, whether such laws that the time they passed into our hands, whether such laws prelate to the existence or the non existence of slavery, or anything else, continue in force; that they are not repeated by any silent and necessary poperation of the Constitution, Butter, acting through the legislative department of the Government—shall think proper vither to repeal or modity lines laws, or to commit to some subordinate legislative authorily the, power of doing it. But there are many generation at different opinion from that which I have expersed upon this constitution question."

"Now, sir, in this state of divided pointines to the legal right to consider size by an absolution position," recognized territories—in the generally conceded opinion that there is no likelihood, in point of fact, that sizerry will ever reach these Territories—what motive can be assigned, what reason, which addresses leef in the hinto opened. We are not approximately the size of the size

(4) In a more assertion of superiority; I seems to involve in it something of name—of name. He now is not something people an impression of unwilliagness to grailly their whishes, or save their feelings even, when, by so doing, welding it lost to the surjointy, and no control of the surjointy, and no control of the surjointy, and the surjoint of the surjointy of the surjoint

While the compromise discussions of 1850 were going on, Mr. Douglas said in the Senate:

"The Union will not be put in peril; California will be admitted; governments for the Territories must be estab-

lished; and thus the controversy will end, and I trust for-

Forever! I can hardly think that the Senator then supposed that in less than four years he would feel himself constrained, by the effect of such legislation as then promised perpetual peace, and by a sense of duty, to open anew the four-

tains of slavery agitation. Mr. Chairman, I think I have shown pretty conclusively that the compromise laws of 1850 could have established no such principles as it is now insisted they did. But if I am wrong in this, I submit that such principles could apply only, to future acquisitions, or to territories whose status or condition in respect to slavery was not already fixed by law. The laws which contained such principles could not involve the abrogation of a compact which had been fully executed in favor of one party, in such way as to wholly deprive the other party of what it had reluctantly accepted as its portion in the division in the division.

Having considered what I understand to be the main arguments for the abrogation of the Missouri compromise, I pass to notice, briefly, some of the minor reasons and incidental remarks by which it is attempted to be justified or excused; and to submit, in closing, a few general observa-

tions on the question.

It has been stoully denied by the gentlemen from Kentucky [Mr. Ewing and Mr. Breckin-Ridge] that Mr. Clay took any leading or prominent part in the enactment of the Missouri compromise; that he was to any considerable extent responsible for it, or that he would, if living, insist upon its preservation. I think these gentlemen do great injustice to the memory of their illustrious friend. I believe that history is entirely conclusive upon this point-that Henry Clay did more than any other man to effect this settlement. quite sure that he thought so; at any rate he knew that the country thought so, and he never disabused it of this opinion. He never corrected the statements to this effect, in the numerous memoirs and notices of his life which were published before his decease. He had been called the great Pacifi-cator, the great Compromiser. Why, if not for his connection with this compromise, and the tariff compromise of 1833? In a speech which he made upon the compromise of 1833, he said:

"I derive great consonation from finding mywelf, on this cocasion, in the midst of firends with whom I have long acted, in peace and war, and especially with the honorable Senator from Manie, [Mr. Holmes,] with whom I had the happiness to unite in a memorable instance. It was in this happiness to unite in a memorable instance. It was in this happiness to unite in a memorable instance. It was in the happiness to unite in a memorable instance. It was in the happiness to unite in a memorable instance. It was in the happiness to unite in the happiness to unite in the happiness to t

I wonder if Mr. Clay did not think in 1833 that he had something to do with passing the Missouri compromise? And if he believed that the compromise which dispersed the dark clouds that hung over the country, by the admission of a slave State, did not secure some substantial benefit to freedom? I wonder if he, who would he felt a stain of dishonor like a wound, would, if he were on earth, hearken to such a violation of faith as is implied in this repeal? For the honor of that great and celebrated name believe it not. Whatever may have been Mr. Clay's connection with the act of March 1820—and he says he has no

doubt he voted for it-the joint resolution of 1821, which gave it effect, and the vigor and force of a compact: which enabled the slaveholding country to receive and enjoy its part of the bargain; which sealed the compromise, and was the compromise, was his work.

Volumes have been written to prove that there never was such a man as Homer; that the Iliad and the Odyssey are but aggregations of the ballads, songs, &c., of the early Grecian bards; and in our own day an ingenious gentleman has undertaken to establish the fact, and I am told that he has done it unanswerably, that there never lived such a man as Napoleon Bonaparte. I am waiting with some impatience to see the gentlemen from Kentucky rise upon this floor, and gravely attempt to convince us that Henry Clay-the great commoner, the great pacificator, the man who would rather be right than President"-was

after all but the hero of a myth.

We have been told by southern gentlemen that this is a boon tendered by the North, and asked if they are to refuse it. But are they quite sure that it has been offered by the North? Would they reject it if not thus offered? If so, let them stand aside, and see what the northern members (who constitute a quorum of the House, and can themselves legally execute the tender, if they desire) will do. Then, if the boon is tendered, they may receive it and enjoy it. But let them not, by their votes, secure it, and then tell us, vote on the motion of the gentleman from New Lark, Mr Curring,] to refer the bill to the Com-

Thole on the state of the Union, work as if he North would do any such thing? The vote of northern members on that motion

was-103 yeas, 26 nays; as follows:

Yeas. MAINE-Benson, Parley, Fuller, Mayall, and Wash-

New Hampshire—Kiltredge, and Morrison—2.
Massachuserts—Appleton, Banks, Crocker, De Witt,
Dickinson, Edmands, Goodrich, Upham, Walley, and Tappan Wentworth-10.

REDDE ISLAED—Thomas Davis, and Thurston—2.
CONNECTICET—Beleber, Prait, and Seymout—3.
VERNOY—Meacham, Schin, and Tracy—3.
NEW YORK—Bennett, Carpenier, Chase, Cutting, Fenton, Flaster, Institute, Itypies, Daniel T., Jones,
Davis, Institute, Itypies, Daniel T., Jones,
Simmons, Gerral Market, Davis, Prainte, Sage,
Simmons, Gerral Smith, John J. Taylor, Walbridge, WesiNew Jensey—Line Dominant.

prook, and Wheeler—2.

New Jensey—Lilly, Pennington, Skeiton, and Vall—4.
PENSRYLVA, III.—Chandler, Curlis, Dick, Everhar, Gam
ble, Grow, Hiester, McCulloch, Middlewarth, David
Richiels, Russell, Strach, Trous, and Winderson, Diston,
Gotto, Babb, Anno Harian, Hardson, John Lo,
Gotto, Harland, Hardson, John Lo,
Gotto, Harland, Hardson, John Lo,
Talons, Littoria, Andrew Stuart, John L. Taylor,
1871/87—Chambridge, Patra Andrews

INDIANA-Chamberlain, Eddy, Andrew J. Harlan, Lane, Mace, and Parker-6.

ILLINOIS—Birsell, Knox, Norton, E. B. Washburne, John Wentworth, and Yates—6. MICHIGAN—Noble, and Hestor L. Stevens—2.

Wisconsin-Eastman, Macy, and Wells-3.

MAINE-McDonald-1. New HAMPSHIRE-Hibbard-1.

CONNECTICUT-Ingersoli-1. VERMONT-None.

RHODE ISLAND-None. MASSACHUSETTS-None. New York-Mike Walsh-1.

NEW JERSEY-None.

PENNSYLVANIA—Dawson, Florence, J. Glancy Jones Kurtz, McNair, Packer, Robbins, and Hendrick B Onto—Disney, Olds, and Shannon—3. Indiana—John G. Davis, English, Hendricks, and Smith

ILLINOIS-James Allen, Willis Allen, and Richard-

MICHIGAN-Clark-1. Iow A-Henn-

Wisconsin-None.
California-Latham, and McDougali-2. Men talk about southern principles and north-

ern principles in connection with this question, often, it seems to me, with little thought of what they are saying: as if in a controversy in respect to honor, good faith, and historical truth, there could be any difference of principle among honorable men North or South; as if questions of fidelity and fact were to be determined by degrees of latitude; as if northern principles or southern principles would tolerate a palpable breach of a contract deliberatel sentered into, whenever either section should believe its interests would be promoted by such breach. With the gentleman from Louisiana [Mr. Hunt] I may, and undoubtedly do, differ on many points concerning the institution of slavery. But, sir, as to what good faith and honor require in the matter of engagements and compacts, we can have no difference. When, the other day, he stood up in this Hall, and with the spirit and bearing of a just and honorable man, denounced, in bold and eloquent terms, what he could not help believing to be a violation of a solemn compact, there was not a man in his presence but respected him-not a true, brave heart but felt better and braver than before, and stronger in his own ability and purpose to do his duty like a man, whatever he might deem that duty to be;-not one but felt within him something of the dignity and grandeur of a true manhood. Mr. Chairman, with the cant of "our northern brethren" and "our southern breth-We are brothers ren," I am tired and sick. all, and we know and feel it; but why talk about it everlastingly, and too often in such manner as to imply to all high-toned minds that it is but talk. I fear not that any southern man, worthy of the South, will doubt that he has my respect as truly as if he belonged to my own section of the country, although I may not be con-tinually reminding him of the fact. And there are northern men who can never, in their hearts, believe that they possess it, let me tell them what I will. But, sir, this Nebraska business, bad as it is-and God knows it could not easily be worse-will not be without its compensations. If I do not misread the signs of the times, they portend a " hard winter" to a class of politicians in the North; some of whom, I am told, have heretofore found their way into these Halls. I refer to the 'Umble Heeps and respectable Littimers of politics-your self-sacrificing patriots, who "abase themselves that they may be exalted;" your soft-footed men, who profess one thing at home, and vote another here, and who are always but too happy if they can obtain the countenance and patronage of older flunkeys than themselves. Mr. Chairman, of the motives which have influ-

enced the Senator from Illinois and the President in their action upon this question, I am not authorized to judge. It has been suggested that party straits and necessities required this measure of the Administration. But what party end or acquisition could justify such awful price? No, sir; we must

not yield to this suggestion.

Shall we believe that the inducing cause of such action was to aid any man's prospects for the Presidency? To raise such an issue as this question presents, for such purpose, would be a wantonness of wickedness which should in itself preclude the belief that it could have found entrance into the breast of any man. Away, then, with this uncharitableness. The life of man is shortthe Presidency and its honors are but for a day, but this measure runs with the prosperity and happiness of millions of human beings for ages. Let it not be considered possible, for it is not, that any man, whether in high or low position, intentionally, designedly, with a view of the legitimate consequences of the act, could for such object, originate a measure like this.

Sir, the misfortune of our time is that it run across the era of "little men in lofty places,

" " the men so little and the places so lofty,
that, casting my pebble I only show where they
stand"—of politicians and not statesmen, of dextrous and cunning rather than wise and strong men, who, looking before and after, scan, with unerring vision, the just proportions of public measures, comprehend their meaning, and foresee There are eddies in the curtheir consequences. rent of every nation's history, where the supple and the adroit perform their feats and play fantastic gambols to the delight and admiration of the bystanders, gaining such applause as is yielded to the ring and tight rope, until they tire of their profitless exhibitions, and sink, and are forgotten. No success can be but nominal; no popularity, however wide-spread and boisterous, can be more than temporary, which have not the foundations of great and wise deserving.

An honorable Senator from South Carolina, [Mr. BUTLER,] a very able man, with whose clearness of statement, and scholarly, vigorous

style I am always delighted, has said

"I will undertake to maintein that the Missourl com-promise, notwithstanding the landations of the honorable Senator from Texas, [M. Housros,] instead of bringing with it peace and harmony, has brought with it sectional strife; that it is, instead of being a healing salve, a thorn in surie; mai it is, insiend of being a healing salve, a thorn in the side of the southern portion of this Confederacy, and the sooner you extract it, the sooner you will restore har-mony and health to the body-politic."?

If this be true, how does it happen? Because the North has ever been unfaithful to her part of the agreement? Surely not. She has at all times lived up to the very letter of the bond, and has never, in any manner, done that which could be construed by suspicion herself as impugning its spirit. That the compromise is a thorn in the side of the South, is no fault of the North. If it be such a thorn, it is simply because slavery can submit to no limits or restraints, not even to those itself imposes. It is for the reason that slavery is under an inevitable, inexorable necessity to be constantly aggressive; that no barriers can hold it, no repose give it rest. It must go forward, or die—the moment it halts, it recedes.

Let us see how things have gone on during this century. In 1803, Louisiana, a slave Territory, was purchased of France. Three slave States and one free State have been formed out of it; and we are now told that freedom has had enough. Then, in 1819, Florida was purchased, to make another slave State. In 1845 Texas was annexed, to give us five more, while the free States have acquired but California, and a hope for New Mex-ico and Utah. These Territories were organized in 1850, without the Wilmot proviso. Whether or not the North yielded anything of practical value in this, she was made to recede from a position which she felt herself bound in honor and all fidelity to a great cause to maintain. By one of the compromise laws of this year she was made to pay to Texas her portion of \$10,000,000, to in-

duce the consent of that State to a boundary line with New Mexico, although she was far from being satisfied that Texas had given up any territory to which she had a just claim. But of this

she made little complaint.

Then the fugitive slave law was passed; but I need not tell you what she thought of that-how hard it was to take—nor that she submitted to it as gracefully as she could. The learned and distinguished Senator from Massachusetts [Mr. Ev-ERETT] will not be charged with having overstated the case when he said, a few weeks ago, in the Senate, that Mr. Webster, in his 7th of March

"Went to the very verge of the public sentiment in the non-slaveholding Stales, and that to have gone a hair's breadth further, would have been a step too bold even for his great weight of characters?

It was in reference to these acts that General Foote said, in December, 1851, that the South had gained all that she claimed; and when he said this, he had no thought that she had obtained the abro-

gation of the Missouri compromise.

Sir, when the North had, by this legislation, yielded so much for the sake of peace and harmony, and when the finality and comprehensiveness of the settlement had been affirmed again and again, she did not fear, she had no reason to fear, a reopening of the slavery question so soon as this; certainly not by those who succeeded so well in the arrangement which had been effected. had acquiesced; she was quiet. She had made no aggressions, meditated none. At such a time, and under such circumstances, you of the South procure, or permit this bill to be brought into these Halls. Though introduced by a northern Senator, acting in concert with a northern President, it is nevertheless your measure, supported as it is by nearly the entire southern delegation in Con-gress. Without such support it could not live an kour. It is you, then, who are responsible for the agitation it will not fail to produce, and for all the consequences that will result from its intro-duction. Three months ago the country was in profound repose, a repose which the North has in no way sought to disturb; but which she finds, to her grief and alarm, you are bent upon destroy-ing. She has not moved. She stands where you placed her in 1820, and upon the title which you confirmed in 1850, and in 1852. She claims not what is yours, but only to the limits yourselves have set down. Can she, with safety or honor, recede from those limits? If she does, where can she stop, and what guarantees can you give her more solemn and binding than you have given already? You may persist in your attempts to expel her from her just and purchased possession; but I think you will find it a more difficult enterprise than you imagined in the beginning

Pass this bill, and you kindle a fire which will need all the rain in the sweet heavens to extinguish, unless you shall consent to its unqualified repeal. If the fire shall not blaze up at once, and fill the sky, it will burn the more intensely when it does break out. The excitement on the day of the passage of the law (if that day shall come) will not be so great as it will be in six months thereafter, nor then as in twelve. Sir, if, by the aid of treachery in her household, you shall succeed in depriving the North of this fair domain, dedicated by your fathers and our fathers to freedom and freemen forever, you will return it all. You cannot afford to keep it, and I believe you will not

desire to keep it.

io far from your being permitted to comfort irselves, as the gentleman from Georgia, [Mr. striks], and others, have done, with the idea t the North-will acquiecee in this measure aid in those of 1850, be assured that her subsion then will nerve her to the more earness the determined opposition now. Upon questions ating to slavery the South has always been ted. She could at any time bring all her forces bear upon any point to which she would direct m. In this she has had great advantage over North. Unity of purpose and action, contration of power, have the practical value of

st forces in themselves. The North, not having been alarmed by the wth and approaches of slavery heretofore, has ver been deeply and thoroughly stirred. She sbeen influenced by abstractions and sentiment, her than by the power of direct interest; and e has seldom seen any practical good to be ac-mplished by agitation. But let this bill become law, and you convince her that it is true-as me have asserted, but the many denied-that very is aggressive, boldly, badly aggressive; it it knows no law, regards no compacts, keeps faith, and derides those who trust it; you ite the whole North by the motives of interest, d by a sense of injury and deep wrong, as well by the power of a generous sentiment. You that which will tend, more than all things else, array a fierce and unrelenting prosition to ur institution wherever it can be reached under e Constitution. And why will such opposition arrayed? From the irresistible promptings of f-preservation; for, in this event, the North will forced to believe that the time has come when every must be crippled, or freedom go to the

Mr. Chairman, I have felt bound to speak truly dishthilly what I feel and fear. It can afford no pleasure to witness or participate in the universe that must arise if this measure shall evail. I would avert it, if possible, as I would event, for however short a period, the formation sectional issues and sectional parties in this narry. With such issues once distinctly and arrely presented, and such perties deliberately dfully organized, our future, though it may not without hope and without promise, will be rk, dark, shaded

"With hues, as when some mighty painter dips His pen in dyes of earthquake and eclipse."

thot so dark and cheerless as it would be if North should so shrink from the behests of nor and duty, become so blind to the moral tist of the age, and so regardless of the glorious ditions of the past, as to submit tamely and obly to the exactions and aggressions which atticism is preparing to make. And, sir, I will avert it as I would prevent the dissolution the party with which I have always been con-

ited. To part company with those with whom have long been politically associated, with om we have sorrowed in defeat and rejoiced rictory, is what cannot be contemplated without deepest pain. But if it be true that the great ty of southern Whigs in both Houses of Comban have determined to make a sectional issue on this guestion, and by their vote declars to of the North that good faith, solemn, mutual renants, the loftient obligations of honor, (as must think), and all the ties which, for a quarter of the contemplate of

ter of a century, have bound a great party togeth in honorable and fraternal association, are as tidle wind when they come in conflict with a fanci sectional interest, why then, sir, the Senator fro Georgia, [Mr. Toowss,] in that caucus of sout ern Whigs which rumor says was held a fewecks ago in this city, performed a work of s pererogation when he announced the dissolute of the Whig party. Sir, there was no Nation. Whig party to be dissolved. Well, gentleme it must be as your course shall constrain; and you will have it so, it only remains for us of the North to bid you a "long good night."—
And what then—and what then? In 1848 Dani

Webster told the farmers of Plymouth county, the old Bay State, that there was no North; bu it will be remembered, that he predicted, at the same time, that there would be a North. Let the bill become a law, and prophecy will not loiter the way to fulfillment. There will be a Nort. and I think you will be at no loss to discov where it is, and in no doubt as to the position northern Whigs. How can you believe that v can remain quiet? Pray look at this measure; co sider what it is, and what it implies. It opens t the wide regions of Kansas and Nebraska-area nearly as large as is occupied by the fr States of this Union, and dividing them from tl Pacific ocean-to the institution of slavery; na it invites it to go there. It reverses the ancie policy of the Government, which was restrictio: and inaugurates a new policy, that of slavery e: tension. It presents considerations which w. meet us everywhere, on sea and shore, in ot fields of enterprise, in our places of business, our thresholds and firesides. No evasions, r. subterfuges, no compromises will be left to which men can resort, or upon which they can rely No one will be so blind as not to see that, wi this new policy, this invitation, slavery will l carried at once into Kansaa, as well adapt to its occupancy as Kentucky, Missouri, or thalf of Virginia; carried there for political, not for economical reasons; and that, once is troduced under such circumstances, possessir such "coigne of vantage," it will be permanent established there. Sir, the North will-for sl must-oppose this measure to the end. And in tl business of resistance, or restoration, if it she come to that, she will labor firmly, faithfully, and I doubt not, effectively. Mr. Chairman, the a gression will be stayed, the tide will be rolled bac and the ancient policy of the Government co firmed-restriction in the Territories, no INTERVENTION IN THE STATES. To doubt it we to admit, indeed, that there is no North, and a hope of a North; it were to admit a degeneracy her people more swift, more thorough and mour ful, than ever marked the history of any other pe ple since the birth of time; it were to confess the descendants of Hancock, Adams, Warren, an Franklin, of Sherman, Livingston, and old Punam, the most pitiful slaves themselves. To doul it were to admit that slavery has the indwelling central power of immortal truth; that liberty is bi a name, and the love of it a phantasy-a delusion But, sir, we will not doubt it. We know that i all human falirs there are seasons of action an of reaction, of vistory and defeat. But we als know that, in the end, nothing shall prevail again truth; and no verity is more grand, more immulable, than this: "Trues is northing on eart divine besides the state of t